

THE JUDICIARY

DIGEST OF APPROPRIATIONS



March 1993 Edition

THE JUDICIARY

Digest of Appropriations

Prepared by the
Administrative Office of the
United States Courts

March 1993 Edition



FOREWORD

This Digest is intended for use as a convenient reference document for the Appropriations Committees of the Congress when considering requests for appropriations for the Federal Judiciary.

The Digest contains the current appropriation language for each organization within the Judiciary. It also contains references to basic authorizing legislation, including the titles and sections of the United States Code, Statutes at Large, and Federal Rules of Practice and Procedure (if such rules constitute legal authority for the expenditure of funds). Citations to acts of Congress which are considered generally applicable to all Executive departments and agencies, the Legislature, and the Judiciary in performing Federal functions have been omitted.

A copy of the Digest is also on file with the Office of Management and Budget.

A handwritten signature in dark ink, appearing to read "L. Ralph Mechem", is positioned above the printed name and title.

L. Ralph Mechem
Director

Editorial Note: The Digest of Appropriations

Users of the Digest will note that references to a particular piece of legislation are made only once in the Digest. For example, 2 U.S.C. 905(a) is cited and described on page A-1. In subsequent sections the user is referred back to page A-1 for the description. This has been done to save space and for ease of reading.

Ellipses (...) are used instead of spelling out certain words and phrases, such as United States District Court. Thus, the ...District Court of Nebraska, instead of the United States District Court of Nebraska.

Since the Digest pertains to the Federal Courts an ellipsis is used instead of Federal. In like manner, the Director of the Administrative Office of the United States Courts becomes the Director... .

Usage such as described above has greatly shortened the Digest and made the text more readable.

Digest of Appropriations, The Judiciary

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SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

SECTION A

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

Fiscal Year 1992 Appropriation Language:

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase, or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; \$.

Other Legal Citations:

2 U.S.C. 905(g) The budget accounts and activities pertaining to the Judiciary that shall be exempt from reduction are payment to civil service retirement and disability fund; payments to social security trust funds; and salaries of Article III judges.

5 U.S.C. 5723 "(a)(1)(c) Travel and transportation expenses of any person appointed by the President to a position the rate of pay for which is equal to or higher than the minimum rate of pay prescribed for GS-16"

28 U.S.C. 1 "The Supreme Court ... shall consist of a Chief Justice ... and eight associate justices, any six of whom shall constitute a quorum."

28 U.S.C. 5 The Chief Justice shall receive a salary of \$166,200 a year, and each associate justice shall receive a salary of \$159,000 a year.

28 U.S.C. 411 "(a) The decisions of the Supreme Court ... shall be printed, bound, and distributed in the preliminary prints and bound volumes of the United States Reports as soon as practicable after rendition, to be charged to the proper appropriation for the judiciary. The number and distribution of the copies shall be under the control of the Joint Committee on Printing.

"(b) Reports printed prior to June 12, 1926, shall not be furnished the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force.

"(c) The Public Printer, or other printer designated by the Supreme Court ... upon request, shall furnish to the Superintendent of Documents the reports required to be distributed under the provisions of this section."

28 U.S.C. 412 "The Public Printer, or other printer designated by the Supreme Court ... shall print such additional bound volumes and preliminary prints of such reports as may be

required for sale to the public. Such additional copies shall be sold by the Superintendent of Documents, as provided by law."

28 U.S.C. 463 "Whenever a Chief Justice, justice, judge, officer or employee of any ... court is sued in his official capacity, or is otherwise required to defend acts taken or omissions made in his official capacity, and the services of an attorney for the Government are not reasonably available pursuant to chapter 31 of this title, the Director ... may pay the costs of his defense. The Director shall prescribe regulations for such payments subject to the approval of the Judicial Conference ... "

28 U.S.C. 671 "(a) The Supreme Court may appoint and fix the compensation of a clerk and one or more deputy clerks

"(c) The clerk may appoint and fix the compensation of necessary assistants and messengers with the approval of the Chief Justice ...

"(d) The clerk shall pay into the Treasury all fees, costs, and other moneys collected by him. He shall make annual returns thereof to the Court under regulations prescribed by it."

28 U.S.C. 672 "(a) The Supreme Court may appoint a marshal ... and may fix his compensation.

"(b) The marshal may, with the approval of the Chief Justice ... appoint and fix the compensation of necessary assistants and other employees to attend the Court, and necessary custodial employees.

"(c) The marshal shall:

(5) Disburse funds appropriated for the purchase of books, pamphlets, periodicals and other publications, and for their repair, binding, and rebinding, upon vouchers certified by the librarian of the Court;

(6) Pay the salaries of the Chief Justice, Associate Justices, and all officers and employees of the Court and disburse other funds appropriated for disbursement, under the direction of the Chief Justice;

(7) Pay the expenses of printing briefs and travel expenses of attorneys in behalf of persons whose motions to appear in forma pauperis in the Supreme Court have been approved and when counsel have been appointed by the Supreme Court, upon vouchers certified by the clerk of the Court;"

(8) Oversee the Supreme Court Police.

28 U.S.C. 673 "(a) The Supreme Court may appoint and fix the compensation of a reporter of its decisions ...

"(b) The reporter may appoint and fix the compensation of necessary professional and clerical assistants and other employees, with the approval of the Court or the Chief Justice ...

"(c) The reporter shall, under the direction of the Court or the Chief Justice, prepare the decisions of the Court for publication in bound volumes and advance copies in pamphlet installments. The reporter shall determine the quality and size of the paper, type, format, proofs and binding subject to the approval of the Court or the Chief Justice."

28 U.S.C. 674 "(a) The Supreme Court may appoint a librarian, whose salary it shall fix ...

"(b) The librarian shall, with the approval of the Chief Justice, appoint necessary assistants and fix their compensation ...

"(c) He shall select and acquire by purchase, gift, bequest, or exchange, such books, pamphlets, periodicals, microfilm and other processed copy as may be required by the Court for its official use and for the reasonable needs of its bar.

"(d) The librarian shall certify to the marshal for payment vouchers covering expenditures for the purchase of such books and other material, and for binding, rebinding and repairing the same."

28 U.S.C. 675 "The Chief Justice ... and the associate justices ... may appoint law clerks and secretaries whose salaries shall be fixed by the Court."

28 U.S.C. 676 "(a) The printing and binding for the Supreme Court, including the printing and binding of individual copies, advance pamphlet installments, and bound volumes, of its decisions, whether requisitioned or ordered by the Court or any of its officers or by any other office or agency, and whether paid for by, or charged to the appropriation for, the Court or any other office or agency, shall be done by the printer or printers whom the Court or the Chief Justice ... may select, unless it shall otherwise order."

28 U.S.C. 677 "(a) The Chief Justice ... may appoint an Administrative Assistant who shall serve at the pleasure of the Chief Justice and shall perform such duties as may be assigned to him by the Chief Justice. The salary payable to the Administrative Assistant shall be fixed by the Chief Justice at a rate which shall not exceed the salary payable to the Director ... The Administrative Assistant may elect to bring himself within the same retirement program available to the Director ... as provided by section 611 of this title, by filing a written election with the Chief Justice within the time and in the manner prescribed by section 611.

"(b) The Administrative Assistant, with the approval of the Chief Justice, may appoint and fix the compensation of necessary employees. The Administrative Assistant and his employees shall be deemed employees of the Supreme Court."

28 U.S.C. 2072 "The Supreme Court shall have the power to prescribe by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure of the

district courts and courts of appeals ... in civil actions, including admiralty and maritime cases, and appeals therein, and the practice and procedure in proceedings for the review by the courts of appeals of decisions of the Tax Court ... and for the judicial review or enforcement of orders of administrative agencies, boards, commissions, and officers. Such rules shall not abridge, enlarge or modify any substantive right and shall preserve the right of trial by jury as at common law and as declared by the Seventh Amendment to the Constitution. Such rules shall not take effect until they have been reported to Congress by the Chief Justice at or after the beginning of a regular session thereof but not later than the first day of May, and until the expiration of ninety days after they have been thus reported. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect. Nothing in this title, anything therein to the contrary notwithstanding, shall in any way limit, supersede, or repeal any such rules heretofore prescribed by the Supreme Court."

28 U.S.C. 2075 "The Supreme Court shall have the power to prescribe by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure in cases under Title 11. Such rules shall not abridge, enlarge, or modify any substantive right. Such rules shall not take effect until they have been reported to Congress by the Chief Justice at or after the beginning of a regular session thereof but not later than the first day of May and until the expiration of ninety days after they have been thus reported."

28 U.S.C. 2076 "The Supreme Court ... shall have the power to prescribe amendments to the Federal Rules of Evidence. Such amendments shall not take effect until they have been reported to Congress by the Chief Justice at or after the beginning of a regular session of Congress but not later than the first day of May, and until the expiration of one hundred and eighty days after they have been so reported; but if either House of Congress within that time shall by resolution disapprove any amendment so reported it shall not take effect. The effective date of any amendment so reported may be deferred by either House of Congress to a later date or until approved by Act of Congress. Any rule whether proposed or in force may be amended by Act of Congress. Any provision of law in force at the expiration of such time and in conflict with any such amendment not disapproved shall be of no further force or effect after such amendment has taken effect. Any such amendment creating, abolishing, or modifying a privilege shall have no force or effect unless it shall be approved by act of Congress."

31 U.S.C. 1344 "(b) A passenger carrier may be used to transport between residence and place of employment the following officers and employees of Federal agencies:

(2) The Chief Justice and Associate Justices ... ;

40 U.S.C. 13 "n(a) The Marshal ... and the Supreme Court Police shall have authority, in accordance with regulations prescribed by the marshal and approved by the Chief Justice ...

(1) to police the Supreme Court Building and grounds, and adjacent streets for the purpose of protecting persons and property;

(2) in any part of the United States, to protect--

(A) the person of the Chief Justice ... any Associate Justice ... and any official guest of the Supreme Court; and

(B) the person of any officer or employee of the Supreme Court while such officer or employee is engaged in the performance of official duties;

(3) in the performance of duties necessary for carrying out paragraph (1) of this subsection to make arrests for any violation of the law of the United States or any State and any regulation under such law;

(4) in the performance of duties necessary for carrying out paragraph (2) of this subsection, to make arrests for any violation of the law of the United States and any regulation under such law; and

(5) to carry firearms as may be required for the performance of duties under sections 13f to 13p of this title.

(c) The authority created under subsection (a)(2) of this section shall expire on December 29, 1993. The Marshal of the Supreme Court shall report annually to the Congress on March 1 regarding the administrative cost of carrying out his duties under such subsection. Duties under subsection (a)(2)(A) of this section with respect to an official guest of the Supreme Court in any part of the United States (other than the District of Columbia, Maryland, and Virginia) shall be authorized in writing by the Chief Justice ... or an Associate Justice ... if such duties require carrying of firearms under subsection (a)(5) of this section.

Public Law 99-335. The Federal Employees' Retirement System Act of 1986, as amended by Public Law 100-20 Establishment of a new retirement system for employees appointed on or after January 1, 1984.

The Judicial Improvements and Access to Justice Act, 1988 U.S. Code Cong. & Ad. News (102 Stat.) 4642. This Act establishes a committee within the Judicial Conference ... to examine the problems and issues facing the Courts ... and to develop long-range future plans to deal with those problems. The members of the Committee are appointed by the Chief Justice.

Act of June 27, 1988, 2988 U.S.C. Cong. & Ad News (102 Stat.) 662. This bill eliminates much of the Supreme Court's mandatory appellate jurisdiction by removing almost all of the statutory provisions for appeals to the Supreme Court. In most situations, parties may now only seek review by way of petitions for writ of certiorari which are addressed to the Court's discretion.

SUPREME COURT OF THE UNITED STATES
CARE OF THE BUILDING AND GROUNDS

SECTION B

SUPREME COURT OF THE UNITED STATES

CARE OF THE BUILDING AND GROUNDS

Fiscal Year 1992 Appropriation Language:

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b); \$, of which \$ shall remain available until expended.

Other Legal Citations:

2 U.S.C. 905 (g). See reference on page A-1.

28 U.S.C. 463. See reference on page A-2.

40 U.S.C. 13a "(a) The Architect of the Capitol shall have charge of the structural and mechanical care of the ... Supreme Court Building, including the care and maintenance of the grounds, and the supplying of all mechanical furnishings and mechanical equipment for the building. The operation and maintenance of the mechanical equipment and repair of the buildings shall be performed under his direction and he is authorized to enter into all necessary contracts.

"(b) In addition to the foregoing, any funds hereafter appropriated under authority of this Act shall be available also for expenses of heating and air-conditioning refrigeration supplied by the Capitol Power Plant, advancements for which shall be made and deposited in the Treasury to the credit of appropriations hereafter provided for the Capitol Power Plant; and for the purchase of electrical energy."

13b. "Employees required for the performance of the provisions of section 13a(a) of this title shall be (a) appointed by the Architect of the Capitol with the approval of the Chief Justice ... (b) compensated in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of Title 5; and (c) be subject to the provisions of subchapter III of chapter 83 of Title 5."

13(f) "The Marshal of the Supreme Court ... under the general supervision and direction of the Chief Justice ... may designate employees of the Supreme Court as members of the Supreme Court Police, without additional compensation."

Public Law 99-335. See reference on page A-5.

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

SALARIES AND EXPENSES

SECTION C

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

Fiscal Year 1992 Appropriation Language:

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law.

Other Legal Citations:

For salaries of the chief judge, judges,

2 U.S.C. 905(g) See reference on page A-1.

2 U.S.C. 1209 and 1219 [Pursuant to the Government Employee Rights Act of 1991] The Court of Appeals for the Federal Circuit has exclusive jurisdiction to review the final decisions of the Office of Senate Fair Employment Practices and certain final orders of the Equal Employment Opportunity Commission.

28 U.S.C. 44 "(a) The President shall appoint, by and with the advice and consent of the Senate, 12 circuit judges for the Court of Appeals for the Federal Circuit.

"(b) Circuit judges shall hold office during good behavior."

"(c) Except in the District of Columbia, each circuit judge shall be a resident of the circuit for which appointed at the time of his appointment and thereafter while in active service. While in active service, each circuit judge of the Federal judicial circuit appointed after the effective date of this Act, and the chief judge of the Federal judicial circuit, whenever appointed, shall reside within fifty miles of the District of Columbia."

(d) Each circuit judge shall receive a salary at an annual rate of \$137,300.

28 U.S.C. 45 "(a)(1) The chief judge of the circuit shall be the circuit judge in regular active service who is senior in commission of those judges who--

"(A) are sixty-four years of age or under;

"(B) have served for one year or more as a circuit judge; and

"(C) have not served previously as chief judge.

"(2)(A) In any case in which no circuit judge meets the qualifications of paragraph (1), the youngest circuit judge in regular active service who is sixty-five years of age or over and who has served as circuit judge for one year or more shall act as the chief judge.

"(B) In any case under subparagraph (A) in which there is no circuit judge in regular active service who has served as a circuit judge for one year or more, the circuit judge in regular

active service who is senior in commission and who has not served previously as chief judge shall act as the chief judge.

"(3)(A) Except as provided in subparagraph (C), the chief judge of the circuit appointed under paragraph (1) shall serve for a term of seven years and shall serve after expiration of such term until another judge is eligible under paragraph (1) to serve as chief judge of the circuit.

"(B) Except as provided in subparagraph (C), a circuit judge acting as chief judge under subparagraph (A) or (B) of paragraph (2) shall serve until a judge has been appointed who meets the qualifications under paragraph (1).

"(C) No circuit judge may serve or act as chief judge of the circuit after attaining the age of seventy years unless no other circuit judge is qualified to serve as chief judge of the circuit under paragraph (1) or is qualified to act as chief judge under paragraph (2)."

"(b) The chief judge shall have precedence and preside at any session of the court which he attends. Other circuit judges of the court in regular active service shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age. The circuit justice, however, shall have precedence over all the circuit judges and shall preside at any session which he attends.

"(c) If the chief judge desires to be relieved of his duties as chief judge while retaining his active status as circuit judge, he may so certify to the Chief Justice...and thereafter the chief judge of the circuit shall be such other circuit judge who is qualified to serve or act as chief judge under subsection (a).

"(d) If a chief judge is temporarily unable to perform his duties as such, they shall be performed by the circuit judge in active service, present in the circuit and able and qualified to act, who is next in precedence.

Federal Courts Improvement Act of 1982, Public Law 97-164, Sec. 203(a), 96 Stat. 53 (Apr. 2, 1982) "The amendments to section 45 of title 28 ... and to [28 U.S.C. 136], made by sections 201 and 202 of this Act, shall not apply to or affect any person serving as chief judge on the effective date of this Act [Oct. 1, 1982].

"(b) The provisions of section 45(a) of title ... [28 U.S.C.] ... as in effect on the day before the effective date of this Act, shall apply to the chief judge of a circuit serving on such effective date."

28 U.S.C. 46 "(a) Circuit judges shall sit on the court and its panels in such order and at such times as the court directs.

"(b) In each circuit the court may authorize the hearing and determination of cases and controversies by separate panels, each consisting of three judges, at least a majority of whom shall be judges of that court, unless such judges cannot sit because recused or disqualified, or unless the chief judge of that court certifies that there is an emergency including, but not limited to, the unavailability of a judge of the court because of illness. Such panels shall sit

at the times and places and hear the cases and controversies assigned as the court directs. The ... Court of Appeals for the Federal Circuit shall determine by rule a procedure for the rotation of judges from panel to panel to ensure that all of the judges sit on a representative cross section of the cases heard and, notwithstanding the first sentence of this subsection, may determine by rule the number of judges, not less than three, who constitute a panel.

"(c) Cases and controversies shall be heard and determined by a court or panel of not more than three judges (except that the ... Court of Appeals for the Federal Circuit may sit in panels of more than three judges if its rules so provide), unless a hearing or rehearing before the court en banc is ordered by a majority of the circuit judges of the circuit who are in regular active service. A court en banc shall consist of all circuit judges in regular active service, or such number of judges as may be prescribed in accordance with section 6 of Public Law 95-486 (92 Stat. 1633), except that any senior circuit judge of the circuit shall be eligible to participate, at his election and upon designation and assignment pursuant to section 294(c) of this title and the rules of the circuit, as a member of an en banc court reviewing a decision of a panel of which such judge was a member."

"(d) A majority of the number of judges authorized to constitute a court or panel thereof, as provided in paragraph (c), shall constitute a quorum."

and other officers and employees,

28 U.S.C. 711 "(a) Each court of appeals may appoint a clerk who shall be subject to removal by the court.

"(b) The clerk, with the approval of the court, may appoint necessary deputies, clerical assistants and employees in such number as may be approved by the Director. Such deputies, clerical assistants and employees shall be subject to removal by the clerk with the approval of the court."

28 U.S.C. 712 "Circuit judges may appoint necessary law clerks and secretaries."

28 U.S.C. 713 "(a) Each court of appeals may appoint a librarian who shall be subject to removal by the court.

"(b) The librarian, with the approval of the court, may appoint necessary library assistants in such numbers as the Director ... may approve. The librarian may remove such library assistants with the approval of the court."

28 U.S.C. 714 "(a) Each court of appeals may appoint a crier who shall be subject to removal by the court.

"(b) The crier, with the approval of the court, may appoint necessary messengers in such number as the Director ... may approve. The crier may remove such messengers with the approval of the court. The crier shall also perform the duties of bailiff and messenger."

28 U.S.C. 715 "(a) The chief judge of each court of appeals, with the approval of the court, may appoint a senior staff attorney, who shall be subject to removal by the chief judge with the approval of the court.

"(b) The senior staff attorney, with the approval of the chief judge, may appoint necessary staff attorneys and secretarial and clerical employees in such numbers as the Director ... may approve, but in no event may the number of staff attorneys exceed the number of positions expressly authorized in an annual appropriation Act. The senior staff attorney may remove such staff attorneys and secretarial and clerical employees with the approval of the chief judge.

"(c) The chief judge of the Court of Appeals for the Federal Circuit, with the approval of the court, may appoint a senior technical assistant who shall be subject to removal by the chief judge with the approval of the court.

"(d) The senior technical assistant, with the approval of the court, may appoint necessary technical assistants in such number as the Director ... may approve, but in no event may the number of technical assistants in the Court of Appeals for the Federal Circuit exceed the number of circuit judges in regular active service within such circuit. The senior technical assistant may remove such technical assistants with the approval of the court."

and for all necessary expenses of the court, as authorized by law, \$

5 U.S.C. 5723(a)(1). See reference on page A-1.

28 U.S.C. 48 "(a) The courts of appeals shall hold regular sessions at the places listed below, and at such other places within the respective circuit as each court may designate by rule.

Circuits	Places
District of Columbia	Washington.
First	Boston.
Second	New York.
Third	Philadelphia.
Fourth	Richmond, Asheville.
Fifth	New Orleans, Fort Worth, Jackson.
Sixth	Cincinnati.
Seventh	Chicago.
Eighth	St. Louis, Kansas City, Omaha, St. Paul.
Ninth	San Francisco, Los Angeles, Portland, Seattle.
Tenth	Denver, Wichita, Oklahoma City.
Eleventh	Atlanta, Jacksonville, Montgomery.
Federal	District of Columbia, and in any other place listed above as the court by rule directs.

"(b) Each court of appeals may hold special sessions at any place within its circuit as the nature of the business may require, and upon such notice as the court orders. The court may transact any business at a special session which it might transact at a regular session.

"(c) Any court of appeals may pretermitt, with the consent of the Judicial Conference ... any regular session of court at any place for insufficient business or other good cause.

"(d) The times and places of the sessions of the Court of Appeals for the Federal Circuit shall be prescribed with a view to securing reasonable opportunity to citizens to appear before the court with as little inconvenience and expense to citizens as is practicable."

28 U.S.C. 372 "(c)(1) Any person alleging that a circuit ... judge ... has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or alleging that such a judge ... is unable to discharge all the duties of office by reason of mental or physical disability, may file with the clerk of the court of appeals for the circuit a written complaint containing a brief statement of the facts constituting such conduct."

"(18) The ... Court of Federal Claims ... ,and the Court of Appeals for the Federal Circuit shall each prescribe rules, consistent with the foregoing provisions of this subsection, establishing procedures for the filing of complaints with respect to the conduct of any judge of such court and for the investigation and resolution of such complaints. In investigating and taking action with respect to any such complaint, each such court shall have the powers granted to a judicial council under this subsection."

28 U.S.C. 462 "(d) The Director ... shall provide permanent accommodations for the ... Court of Appeals for the Federal Circuit ... only at the District of Columbia. However, each such court may hold regular and special sessions at other places utilizing the accommodations which the Director provides to other courts."

28 U.S.C. 463 See reference on page A-2.

28 U.S.C. 961 "Each clerk of court shall be allowed his necessary office expenses when authorized by the Director"

28 U.S.C. 1292(c) and (d) and 1295 Jurisdiction of the ... Court of Appeals for the Federal Circuit is set out in sections 1292 and 1295.

31 U.S.C. 755 "(a) A final decision [of the GAO Personnel Appeals Board] under section 753(a)(1)-(3), (6), or (7) of this title may be reviewed by the ... Court of Appeals for the Federal Circuit."

38 U.S.C. 223(c) and 4092 [Pursuant to the Veterans Judicial Review Act] "An action of the Administrator to which section 552(a)(1) or 553 of title 5 [U.S.C.] (or both) refers (other than an action relating to the adoption or revision of the schedule of ratings for disabilities adopted under section 355 of [title 38]) is subject to review ... only in the ... Court of Appeals for the Federal Circuit." However, if such review is sought in connection with an appeal brought under the revisions of chapter 72 of [title 38], the provisions of that chapter shall apply rather than the provisions of chapter 7 of the title 5.38 USC 223(c) (in relevant part). see also 38 USC 4092.

40 U.S.C. 490(j) The Administrator [of GSA] is authorized and directed to charge anyone furnished services, space, quarters, maintenance, repair, or other facilities, at rates to be determined by the Administrator

42 U.S.C. 300aa-12 "(f) The findings of fact and conclusions of law of the ... Court of Federal Claims on a petition shall be final determinations of the matters involved, except that the Secretary or any petitioner aggrieved by the findings or conclusions of the court may obtain review of the judgment of the court in the ... court of appeals for the Federal Circuit upon petition filed within 60 days of the date of entry of the ... Court of Federal Claims' judgement with such court of appeals."

Public Law 99-335. See reference on page A-5.

Section 102(a) of the Federal Courts Administration Act of 1992 (Public Law 102-572), amending Section 211 of the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799) by striking subsections (b) through (h) and inserting the following:

"(b) Appeals from orders or judgement entered by a district court if the United States in cases or controversies arising under this title shall be brought in the United States Court of Appeals for the Federal Circuit if the appeal is from a final decision of the district court or is an interlocutory appeal permitted under section 1292(c) of title 28, United States Code."

Section 102(b) of the Federal Courts Administration Act of 1992 (Public Law 102-572), amending Section 506(c) of the Natural Gas Policy Act of 1978 (15, U.S.C. 3416(c)), by striking the Temporary Emergency Court of Appeals each place it appears and inserting the...Court of Appeals for the Federal Circuit.

Section 102(b) of the Federal Courts Administration Act of 1992 (Public Law 102-572), amends section 1295(a) of title 28 United States Code by adding at the end the following new paragraphs:

- "(11) of an appeal under section 211 of the Economic Stabilization Act of 1970;
- (12) of an appeal under section 5 of the Emergency Petroleum Allocation Act of 1973;
- (13) of an appeal under section 506(c) of the Natural Gas Policy Act of 1978;
- (14) of an appeal under section 523 of the Energy Policy and Conservation Act."

Section 610, Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies Appropriation Act. "Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the ... GSA ... for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements, performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law."

**UNITED STATES COURT OF
INTERNATIONAL TRADE
SALARIES AND EXPENSES**

SECTION D

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

Fiscal Year 1992 Appropriation Language:

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law.

Other Legal Citations:

For salaries of the chief judge and eight judges,

2 U.S.C. 905(g) See reference on page A-1.

28 U.S.C. 251 "(a) The President shall appoint, by and with the advice and consent of the Senate, nine judges who shall constitute a court of record to be known as the ... Court of International Trade. Not more than five of such judges shall be from the same political party. The court is a court established under article III of the Constitution

"(b) The President shall designate one of the judges of the Court of International Trade who is less than seventy years of age to serve as chief judge. The chief judge shall continue to serve as chief judge until he reaches the age of seventy years and another judge is designated as chief judge by the President. After the designation of another judge to serve as chief judge, the former chief judge may continue to serve as a judge of the court.

"(c) The offices of the Court of International Trade shall be located in New York, New York."

28 U.S.C. 252 "Judges of the Court of International Trade shall hold office during good behavior." Each shall receive a salary at an annual rate [of \$129,500.]

28 U.S.C. 253 "(a) The chief judge of the Court of International Trade, with the approval of the court, shall supervise the fiscal affairs and clerical force of the court;

"(b) The chief judge shall promulgate dockets.

"(c) The chief judge, under rules of the court, may designate any judge or judges of the court to try any case and, when the circumstances so warrant, reassign the case to another judge or judges.

"(d) Whenever the chief judge is unable to perform the duties of his office or the office is vacant, his powers and duties shall devolve upon the judge next in precedence who is able to act, until such disability is removed or another chief judge is appointed and duly qualified.

"(e) The chief judge shall have precedence and shall preside at any session which he attends. Other judges shall have precedence and shall preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age."

28 U.S.C. 254 "Except as otherwise provided in section 255 of this title, the judicial power of the Court of International Trade with respect to any action, suit or proceeding shall be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges."

28 U.S.C. 255 "(a) Upon application of any party to a civil action, or upon his own initiative, the chief judge of the Court of International Trade shall designate any three judges of the court to hear and determine any civil action which the chief judge finds: (1) raises an issue of the constitutionality of an Act of Congress, a proclamation of the President or an Executive order; or (2) has broad or significant implications in the administration or interpretation of the customs laws.

"(b) A majority of the three judges designated may hear and determine the civil action and all questions pending therein."

28 U.S.C. 256 "(a) The chief judge may designate any judge or judges of the court to proceed, together with necessary assistants, to any port or to any place within the jurisdiction of the United States to preside at a trial or hearing at the port or place.

"(b) Upon application of a party or upon his own initiative, and upon a showing that the interest of economy, efficiency, and justice will be served, the chief judge may issue an order authorizing a judge of the court to preside in an evidentiary hearing in a foreign country whose laws do not prohibit such a hearing; provided, however, That an interlocutory appeal may be taken from such an order pursuant to the provisions of section 1292(d)(1) of this title, and the ... Court of Appeals for the Federal Circuit may, in its discretion, consider the appeal."

28 U.S.C. 257 "All decisions of the Court of International Trade shall be preserved and open to inspection. The court shall forward copies of each decision to the Secretary of the Treasury or his designee and to the appropriate customs officer for the district in which the case arose. The Secretary shall publish weekly such decisions as he or the court may designate and abstracts of all other decisions."

salaries of the officers and employees of the court;

28 U.S.C. 604 See reference on pages I-2 through I-5.

28 U.S.C. 605 See reference on page I-5.

28 U.S.C. 871 "The Court of International Trade may appoint a clerk, a chief deputy clerk, an assistant clerk, deputy clerks, and such deputies, assistants, and other employees as may be necessary for the effective dispatch of the business of the court, who shall be subject to removal by the court."

28 U.S.C. 872 "The Court of International Trade may appoint such criers as it may require for said court, which criers shall also perform the duties of bailiffs and messengers and such other duties as the court directs and shall be subject to removal by the court."

services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, \$.

5 U.S.C. 5723(a)(1)(c) See reference on page A-1.

28 U.S.C. 331 "The Chief Justice ... shall summon annually the chief judge of each judicial circuit, the chief judge of the Court of International Trade, and a district judge from each judicial circuit to a conference at such time and place in the United States as he may designate."

28 U.S.C. 335 "(a) The chief judge of the Court of International Trade is authorized to summon annually the judges of such court to a judicial conference, at a time and place that such chief judge designates, for the purpose of considering the business of such court and improvements in the administration of justice in such court.

"(b) The Court of International Trade shall provide by its rules for representation and active participation at such conference by members of the bar."

28 U.S.C. 372 "(c)(1) Any person alleging that a ... district ... judge ... has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or alleging that such a judge ... is unable to discharge all the duties of office by reason of mental or physical disability, may file with the clerk of the court of appeals for the circuit a written complaint containing a brief statement of the facts constituting such conduct."

(18) " ... The Court of International Trade ... shall ... prescribe rules, consistent with the foregoing provisions of this subsection, establishing procedures for the filing of complaints with respect to the conduct of any judge of such court and for the investigation and resolution of such complaints. In investigating and taking action with respect to any such complaint ... such court shall have the powers granted to a judicial council under this subsection."

28 U.S.C. 456 "(c) The official duty station of the judges of the ... Court of International Trade shall be New York City."

28 U.S.C. 463 See reference on page A-2.

28 U.S.C. 566 "(b) The ... marshal of each district is the marshal of the district court and of the court of appeals when sitting in that district, and of the Court of International Trade holding sessions in that district and may, in the discretion of the respective courts, be required to attend any session of court."

28 U.S.C. 961 "Each clerk of court shall be allowed his necessary office expenses when authorized by the Director"

28 U.S.C. 1821 Section 1821 provides authority to pay travel expenses related to the services of witnesses.

40 U.S.C. 490(j) See reference on page C-5.

Public Law 99-335 See reference on page A-5.

Section 610 See reference on page C-6.

**COURTS OF APPEALS, DISTRICT COURTS, AND
OTHER JUDICIAL SERVICES**

SALARIES AND EXPENSES

SECTION E

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES**SALARIES AND EXPENSES****Fiscal Year 1992 Appropriation Language:**

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the U.S. Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$, (including the purchase of firearms and ammunition); of which not to exceed \$, shall remain available until expended for space alteration projects; and of which \$500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions. In addition, for expenses of the U.S. Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$2,750,000 to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act of 1989.

SALARIES OF JUDGES**Other Legal Citations:**

For the salaries of circuit and district judges (including judges of the territorial courts of the United States),

28 U.S.C. 44 "(a) The President shall appoint, by and with the advice and consent of the Senate, circuit judges for the several circuits as follows:

<u>Circuits</u>	<u>No. of Judgeships</u>
District of Columbia . . .	12
First	6
Second	13
Third	14
Fourth	15
Fifth	17
Sixth	16
Seventh	11
Eighth	11
Ninth	28
Tenth	12
Eleventh	12
Total	167
Federal*	12

*Payable out of the appropriation " ... Court of Appeals for the Federal Circuit, Salaries and Expenses."

"(b) Circuit judges shall hold office during good behavior.

(d) Each circuit judge shall receive a salary at annual rate [of \$137,300.]

28 U.S.C. 133 "(a) The President shall appoint, by and with the advice and consent of the Senate, district judges for the several judicial districts, as follows:

<u>Districts</u>	<u>No. of Judgeships</u>
Alabama:	
Northern	7
Middle	3
Southern	3
Alaska	3
Arizona	8
Arkansas:	
Eastern	5
Western	3* (1)
California:	
Northern	14* (2)
Eastern	6
Central	27* (5)

<u>Districts</u>	<u>No. of Judgeships</u>
Southern	8* (1)
Colorado	7
Connecticut	8* (2)
Delaware	4
District of Columbia . . .	15
Florida:	
Northern	4* (1)
Middle	11* (2)
Southern	16* (1)
Georgia:	
Northern	11
Middle	4* (1)
Southern	3
Hawaii	3
Idaho	2
Illinois:	
Northern	22* (1)
Central	3
Southern	3
Indiana:	
Northern	5
Southern	5
Iowa:	
Northern	2
Southern	3* (1)
Kansas	5
Kentucky:	
Eastern	4
Western	4
Eastern and Western . .	1
Louisiana:	
Eastern	13
Middle	2
Western	7* (1)
Maine	3* (1)
Maryland	10
Massachusetts	13* (1)
Michigan:	
Eastern	15
Western	4
Minnesota	7
Mississippi:	
Northern	3
Southern	6* (1)

<u>Districts</u>	<u>No. of</u> <u>Judgeships</u>
Missouri:	
Eastern	6* (1)
Western	5
Eastern and Western . .	2
Montana	3
Nebraska	3
Nevada	4
New Hampshire	3* (1)
New Jersey	17* (3)
New Mexico	5* (1)
New York:	
Northern	4
Southern	28* (1)
Eastern	15* (3)
Western	4
North Carolina:	
Eastern	4
Middle	4* (1)
Western	3
North Dakota	2
Ohio:	
Northern	11
Southern	8* (1)
Oklahoma:	
Northern	3* (1)
Eastern	1
Western	6* (1)
Northern, Eastern, & Western	1
Oregon	6* (1)
Pennsylvania:	
Eastern	22* (3)
Middle	6* (1)
Western	10
Puerto Rico	7
Rhode Island	3
South Carolina	9* (1)
South Dakota	3
Tennessee:	
Eastern	5* (1)
Western	5* (1)
Middle	4* (1)
Texas:	
Northern	12* (2)
Southern	18* (5)
Eastern	7* (1)
Western	10* (3)
Utah	5* (1)

<u>Districts</u>	<u>No. of Judgeships</u>
Vermont	2
Virginia:	
Eastern	9
Western	4
Washington:	
Eastern	4* (1)
Western	7
West Virginia:	
Northern	3* (1)
Southern	5* (1)
Wisconsin:	
Eastern	4
Western	2
Wyoming	3* (1)
Subtotal	632

Judgeships authorized for the territories and possessions of the United States:

Virgin Islands	2
Guam	1
Northern Mariana Islands	1
Total	<u>636</u>

*Districts receiving additional judgeships under P.L. 101-650. Number of new judgeships is (85).

(b)(1) In any case in which a judge of the United States (other than a senior judge) assumes the duties of a full-time office of Federal judicial administration, the President shall appoint, by and with the advice and consent of the Senate, an additional judge for the court on which such judge serves. If the judge who assumes the duties of such full-time office leaves that office and resumes the duties as an active judge of the court, then the President shall not appoint a judge to fill the first vacancy which occurs thereafter in that court.

"(2) For purpose of paragraph (1) the term "office of Federal judicial administration" means a position as Director of the Federal Judicial Center, Director ..., or administrative assistant to the Chief Justice."

28 U.S.C. 134 "(a) The district judges shall hold office during good behavior."

28 U.S.C. 135 "(a) Each judge of a district court ... shall receive a salary at a annual rate [of \$125,100].

48 U.S.C. 1424b "(a) District Court for Guam: The appointment of a judge for a term of ten years whose salary shall be at the rate prescribed for district court judges.

48 U.S.C. 1614 "(a) District Court of the Virgin Islands: Appointment of two judges for terms of ten years whose salaries shall be at the rate prescribed for district court judges.

48 U.S.C. 1694(b)(1) District Court for the Northern Mariana Islands: The appointment of a judge for a term of ten years whose salary shall be at the rate prescribed for district court judges.

Pub. L. No. 102-140, Sec. 305, 105 Stat. 782, 810 (Oct. 28, 1991), provides: "Pursuant to section 140 of Public Law 97-92, Justices and judges of the United States are authorized, during fiscal year 1992, to receive a salary adjustment in accordance with 28 U.S.C. § 461."

Justices and Judges retired from office or from regular active service

28 U.S.C. 371

"(b)(1) Any justice or judge ... appointed to hold office during good behavior may retain the office but retire from regular active service after attaining the age and meeting the service requirements, whether continuous or otherwise, of subsection (c) of this section and shall, during the remainder of his or her lifetime, continue to receive the salary of the office if he or she meets the requirements of subsection (f).

(2) In case in which a justice or judge who retires under paragraph (1) does not meet the requirements of subsection (f), the justice or judge shall continue to receive the salary that he or she was receiving when he or she was last in active service or, if a certification under subsection (f) was made for such justice or judge, when such a certification was last in effect. The salary of such justice or judge shall be adjusted under section 461 of this title.

"(c) The age and service requirements for retirement under this section are as follows:

"Attained age:	Years of service:
65.....	15
66.....	14
67.....	13
68.....	12
69.....	11
70.....	10

"(d) The President shall appoint, by and with the advice and consent of the Senate, a successor to a justice or judge who retires under this section.

"(e) Notwithstanding subsection (c) of section 5532 of title 5, if a regular or reserve member or former member of a uniformed service who is receiving retired or retainer pay becomes employed as a justice or judge ... as defined by section 451, or becomes eligible therefor while so employed, such retired or retainer pay shall not be paid during regular active service as a justice or judge, but shall be resumed or commenced without reduction upon retirement from the judicial office or from regular active service (into senior status) as such justice or judge.

"(f)(1) In order to continue receiving the salary of the office under subsection (b), a justice must be certified in each calendar year by the Chief Justice, and a judge must be certified by the chief judge of the circuit in which the judge sits, as having ... [carried a caseload equal to one-fourth of that carried by an average judge in active service or (b) performed substantial administrative duties directly related to the operation of the courts or for a Federal or State governmental entity equal to the full-time work of an employee of the judicial branch or (c) been unable to perform judicial or administrative work to the extent required under (a) or (b) because of a disability].

(2) Determinations of work performed under ... [(f)(1)] shall be made pursuant to rules promulgated by the Judicial Conference ...

(3) If in any year a justice or judge who retires under subsection (b) does not receive a certification under this subsection (except as provided in paragraph (1)(E)), he or she is thereafter ineligible to receive such a certification.

(4) In the case of any justice or judge who retires under subsection (b) during a calendar year, there shall be included in the determination under this subsection of work performed during that calendar year all work performed by that justice or judge ... [as described in paragraph (f)(1)] during that calendar year before such retirement."

28 U.S.C. 372 "(a) Any justice or judge ... appointed to hold office during good behavior who becomes permanently disabled from performing his duties may retire from regular active service, and the President shall, by and with the advice and consent of the Senate, appoint a successor."

"Any justice or judge ... desiring to retire under this section shall certify to the President his disability in writing."

"Whenever an associate justice of the Supreme Court, a chief judge or a circuit or the chief judge of the Court of International Trade, desires to retire under this section, he shall furnish to the President a certificate of disability signed by the Chief Justice of the United States.

"A circuit or district judge, desiring to retire under this section, shall furnish to the President a certificate of disability signed by the chief judge of his circuit.

"A judge of the Court of International Trade desiring to retire under this section, shall furnish to the President a certificate of disability signed by the chief judge of his court.

"Each justice or judge retiring under this section after serving ten years continuously or otherwise shall, during the remainder of his lifetime, receive the salary of the office. A justice or judge retiring under this section who has served less than ten years in all shall, during the remainder of his lifetime, receive one-half the salary of the office."

"(b) Whenever any judge ... appointed to hold office during good behavior who is eligible to retire under this section does not do so and a certificate of his disability signed by a majority of the members of the Judicial Council of his circuit in the case of a circuit or district judge, or by the Chief Justice ... in the case of the Chief Judge of the Court of International Trade,

or by the chief judge of his court in the case of a judge of the Court of International Trade, is presented to the President and the President finds that such judge is unable to discharge efficiently all the duties of his office by reason of permanent mental or physical disability and that the appointment of an additional judge is necessary for the efficient dispatch of business, the President may make such appointment by and with the advice and consent of the Senate. Whenever any such additional judge is appointed, the vacancy subsequently caused by the death, resignation, or retirement of the disabled judge shall not be filled. Any judge whose disability causes the appointment of an additional judge shall, for purpose of precedence, service as chief judge, or temporary performance of the duties of that office, be treated as junior in commission to the other judges of the circuit, district, or court.

"(c)(1) Any person alleging that a circuit, district, or bankruptcy judge, or a magistrate [judge], has engaged in conduct prejudicial to the effective and expeditious administration of business of the courts, or alleging that such a judge or magistrate [judge] is unable to discharge all the duties of office by reason of mental or physical disability, may file with the clerk of court of appeals for the circuit written complaint containing a brief statement of the facts constituting such conduct. In the interests of the effective and expeditious administration of the business of the courts and on the basis of information available to the chief judge of the circuit, the chief judge may, by written order stating reasons therefor, identify a complaint for purposes of this subsection and thereby dispense with filing of a written complaint.

"(2) Upon receipt of a complaint filed under paragraph (1) of this subsection, the clerk shall promptly transmit such complaint to the chief judge or the circuit, or, if the conduct complained of is that of the chief judge, to that circuit judge in regular active service next senior in date of commission (hereafter, for purposes of the subsection, included in the term "chief judge"). The clerk shall simultaneously transmit a copy of the complaint to the judge or magistrate who's conduct is the subject of complaint.

"(3) After expeditiously reviewing a complaint, the chief judge, by written order stating his reasons, may --

(A) dismiss the complaint, if he finds it to be (i) not in conformity with paragraph (1) of this subsection, (ii) directly related to the merits of a decision or procedural ruling, or (iii) frivolous; or

(B) conclude to proceeding if he finds that appropriate corrective action has been taken or that action on the complaint is no longer necessary because of intervening events.

The chief judge shall transmit copies of his written order to the complainant and to the judge or magistrate [judge] whose conduct is the subject of the complaint.

"(4) If the chief judge does not enter an order under paragraph (3) of this subsection, such judge shall promptly --

(A) appoint himself and equal numbers of circuit and district judges of the circuit to a special committee to investigate the facts and allegations contained in the complaint;

(B) certify the complaint and other documents pertaining thereto to each member of such committee; and

(C) provide written notice to the complainant and the judge or magistrate [judge] whose conduct is the subject of the complaint of the action taken under this paragraph.

A judge appointed to a special committee under this paragraph may continue to serve on that committee after becoming a senior judge or, in the case of the chief judge of the circuit, after his or her term as chief judge terminates under subsection (a)(3) or (c) of section 45 of this title. If a judge appointed to a committee under this paragraph dies, or retires from office under section 371(a) of this title, while serving on the committee, the chief judge or the circuit may appoint another circuit or district judge, as the case may be, to the committee.

"(5) Each committee appointed under paragraph (4) of this subsection shall conduct an investigation as extensive as it considers necessary, and shall expeditiously file a comprehensive written report thereon with the judicial council of the circuit. Such report shall present both the findings of the investigation and the committee's recommendations for necessary and appropriate action by the judicial council of the circuit.

"(6) Upon receipt of a report filed under paragraph (5) of this subsection, the judicial council --

(A) may conduct any additional investigation which it considers to be necessary;

(B) shall take such action as is appropriate to assure the effective and expeditious administration of the business of the courts within the circuit, including, but not limited to, any of the following actions:

(i) directing the chief judge of the district of the magistrate [judge] whose conduct is the subject of the complaint to take such action as the judicial council considers appropriate;

(ii) certifying disability of a judge appointed to hold office during good behavior whose conduct is the subject of the complaint, pursuant to the procedures and standards provided under subsection (b) of this section;

(iii) requesting that such judge appointed to hold office during good behavior voluntarily retire, with the provision that the length of service requirements under section 371 of this title shall not apply;

(iv) ordering that, on a temporary basis for a time certain, no further cases be assigned to any judge or magistrate [judge] whose conduct is the subject of a complaint;

(v) censuring or reprimanding such judge or magistrate [judge] by means of private communication;

(vi) censuring or reprimanding such judge or magistrate [judge] by means of public announcement; or

(vii) ordering such other action as it considers appropriate under the circumstances, except that (I) in no circumstances may the council order removal from office of any judge appointed to hold office during good behavior, and (II) any removal of a magistrate [judge] shall be in accordance with section 631 of this title and any removal of a bankruptcy judge shall be in accordance with section 152 of this title;

(C) may dismiss the complaint; and

(D) shall immediately provide written notice to the complainant and to such judge or magistrate of the action taken under this paragraph.

"(7)(A) In addition to that authority granted under paragraph (6) of this subsection, the judicial council may, in its discretion, refer any complaint under this subsection, together with the record of any associated proceedings and its recommendations for appropriate action, to the Judicial Conference of the United States.

(B) In any case in which the judicial council determines, on the basis of a complaint and an investigation under this subsection, or on the basis of information otherwise available to the council, that a judge appointed to hold office during good behavior may have engaged in conduct --

(i) which might constitute one or more grounds for impeachment under article II of the Constitution; or

(ii) which, in the interest of justice, is not amenable to resolution by the judicial council, the judicial council shall promptly certify such determination, together with any complaint and a record of any associated proceedings, to the Judicial Conference of the United States

(C) A judicial council acting under authority of this paragraph shall, unless contrary to the interests of justice, immediately submit written notice to the complainant and to the judge or magistrate [judge] whose conduct is the subject of the action under this paragraph.

"(8)(A) Upon referral or certification of any matter under paragraph (7) of this subsection, the Judicial Conference, after consideration of the prior proceedings and such additional investigation as it considers appropriate, shall by majority vote take such action, as described in paragraph (6)(B) of this subsection, as it considers appropriate. If the Judicial Conference concurs in the determination of the council, or makes its own determination, that consideration of impeachment may be warranted, it shall so certify and transmit the determination of the record of proceedings to the House of Representatives for whatever action the House of Representatives considers to be necessary. Upon receipt of the determination and record of proceedings in the House of Representatives, the Clerk of the House of Representative shall make available to the public the determination and any reasons for the determination.

(B) If a judge or magistrate [judge] has been convicted of a felony and has exhausted all means of obtaining direct review of the conviction, or the time for seeking further direct review of the conviction has passed and no such review has been sought, the Judicial Conference may, by majority vote and without referral or certification under paragraph (7), transmit to the House of Representatives a determination that consideration of impeachment

may be warranted, together with appropriate court records, for whatever action the House of Representatives considers to be necessary.

"(9)(A) In conducting any investigation under this subsection, the judicial council, or a special committee appointed under paragraph (4) of this subsection, shall have full subpoena powers as provided in section 332(d) of this title.

(B) In conducting any investigation under this subsection, the Judicial Conference, or a standing committee appointed by the Chief Justice under section 331 of this title, shall have full subpoena powers as provided in that section.

"(10) A complainant, judge, or magistrate [judge] aggrieved by a final order of the chief judge under paragraph (3) of this subsection may petition the judicial council for review thereof. A complainant, judge or magistrate [judge] aggrieved by an action of judicial council under paragraph (6) of this subsection may petition the Judicial Conference of the United States for review thereof. The Judicial Conference, or the standing committee established under section 331 of this title, may grant a petition filed by a complainant, judge, or magistrate [judge] under this paragraph. Except as expressly provided in this paragraph, all orders and determinations, including denials of petitions for review, shall be final and conclusive and shall not be judicially reviewable on appeal or otherwise.

"(11) Each judicial council and the Judicial Conference may prescribe such rules for the conduct of proceedings under this subsection, including the processing of petitions for review, as each considers to be appropriate. Such rules shall contain provisions requiring that --

(A) adequate prior notice of any investigation be given in writing to the judge or magistrate [judge] whose conduct is the subject of the complaint;

(B) the judge or magistrate whose conduct is the subject of the complaint be afforded an opportunity to appear (in person or by counsel) at proceedings conducted by the investigating panel, to present oral and documentary evidence, to compel the attendance of witnesses, or the production of documents, to cross-examine witnesses, and to present argument orally or in writing; and

(C) the complainant be afforded an opportunity to appear at proceedings conducted by the investigating panel, if the panel concludes that the complainant could offer substantial information.

Any such rule shall be made or amended only after giving appropriate public notice and an opportunity for comment. Any rule promulgated under this subsection shall be a matter of public record, and any such rule promulgated by a judicial council may be modified by the Judicial conference. No rule promulgated under this subsection may limit the period of time within which a person may file a complaint under this subsection.

"(12) No judge or magistrate whose conduct is the subject of an investigation under this subsection shall serve upon a special committee appointed under paragraph (4) of this subsection, upon a judicial council, upon the Judicial Conference, or upon the standing

committee established under section 331 of this title, until all related proceedings under this subsection have been finally terminated.

"(13) No person shall be granted the right to intervene or to appear as amicus curiae in any proceeding before a judicial council or the Judicial Conference under this subsection.

"(14) Except as provided in paragraph (8), all papers, documents, and records of proceedings related to investigations conducted under this subsection shall be confidential and shall not be disclosed by any person in any proceeding except to the extent that --

(A) the judicial council of the circuit in its discretion releases a copy of a report of a special investigative committee under paragraph (5) to the complainant whose complaint initiated the investigation by that special committee and to the judge or magistrate [judge] whose conduct is the subject of the complaint;

(B) the judicial council of the circuit, the Judicial Conference of the United States, or the Senate or the House of Representatives by resolution, releases any such material which is believed necessary to an impeachment investigation or trial of a judge under article I of the Constitution; or

(C) such disclosure is authorized in writing by the judge or magistrate who is the subject of the complaint and by the chief judge of the circuit, the Chief Justice, or the chairman of the standing committee established under section 331 of this title.

"(15) Each written order to implement any action under paragraph (6)(B) of this subsection, which is issued by a judicial council, the Judicial Conference, or the standing committee established under section 331 of this title, shall be made available to the public through the appropriate clerk's office of the court of appeals for the circuit. Unless contrary to the interests of justice, each such order issued under this paragraph shall be accompanied by written reasons therefor.

"(16) Upon the request of a judge or magistrate whose conduct is the subject of a complaint under this subsection, the judicial council may, if the complaint has been finally dismissed under paragraph (6)(C), recommend that the Director ... award reimbursement, from funds appropriated to the Federal judiciary, for those reasonable expenses, including attorneys' fees, incurred by that judge or magistrate [judge] during the investigation which would not have been incurred but for the requirements of this subsection.

"(17) Except as expressly provided in this subsection, nothing in this subsection shall be construed to affect any other provision of this title, the Federal rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Federal Rules of Appellate Procedure, or the Federal Rules of Evidence.

"(18) The ... Court of Federal Claims, the Court of International Trade, and the Court of Appeals for the Federal Circuit shall each prescribe rules, consistent with the foregoing provisions of this subsection, establishing procedures for the filing of complaints with respect to the conduct of any judge of such court and for the investigation and resolution of such complaints. In investigating and taking action with respect to any such complaint, each such court shall have the powers granted to a judicial council under this subsection."

28 U.S.C. 373 "(a) Any judge of ... Guam ... of the Northern Mariana Islands, or ... the Virgin Islands who retires from office after attaining the age and meeting the service requirements whether continuous or otherwise, of subsection (b) shall, during the remainder of his lifetime, receive an annuity equal to the salary he is receiving at the time he retires."

"(b) The age and service requirements for retirement under subsection (a) of this section are as follows:

Attained age:	Years of service:
65.....	15
66.....	14
67.....	13
68.....	12
69.....	11
70.....	10

"(c)(1) Any judge or former judge who is receiving an annuity pursuant to this section may elect to become a senior judge of the court upon which he served before retiring.

"(2) The chief judge of a judicial circuit may recall any such senior judge, with the judge's consent, to perform, for the court from which he retired, such judicial duties for such periods of time as the chief judge may specify.

"(3) Any act or failure to act by a senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall have the same force and effect as if it were an act or failure to act of a judge on active duty; but such senior judge shall not be counted as a judge of the court on which he is serving as a recalled annuitant for purposes of the number of judgeships authorized for that court.

"(4) Any senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall be paid, while performing such duties, the same compensation (in lieu of the annuity payable under subsection (a) of this section) and the same allowances for travel and other expenses as a judge on active duty with the court being served.

"(5) Any senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall at all times be governed by the code of judicial conduct for...judges approved by the Judicial Conference

"(d) Any judge who elects to become a senior judge under subsection (c) of this section and who thereafter--

"(1) accepts civil office or employment under the Government of the United States (other than the performance of judicial duties pursuant to recall under subsection (c) of this section);

"(2) engages in the practice of law; or

"(3) materially violates the code of judicial conduct for ... judges, shall cease to be a senior judge and to be eligible for recall pursuant to subsection (c) of this section.

"(e) Any judge ... of Guam ... of the Northern Mariana Islands, or the ... Virgin Islands who is removed by the President ... upon the sole ground of mental or physical disability, or who is not reappointed (as judge of such court), shall be entitled, upon attaining the age of sixty-five years or upon relinquishing office if he is then beyond the age of sixty-five years, (1) if his judicial service, continuous or otherwise, aggregates fifteen years or more, to receive during the remainder of his life an annuity equal to the salary he received when he left office, or (2) if his judicial service, continuous or otherwise, aggregated less than fifteen years but not less than ten years, to receive during the remainder of his life an annuity equal to that proportion of such salary which the aggregate number of his years of his judicial service bears to fifteen.

"(f) Service at any time as a judge of the courts referred to in subsection (a) or of any other court ... as defined by section 451 of this title, shall be included in the computation of aggregate years of judicial service for purposes of this section.

"(g) Any retired judge who is entitled to receive an annuity under subsection (a) shall be entitled to a cost of living adjustment in the amount payable to him computed as specified in section 8340(b) of title 5, except that in no case may the annuity payable to such retired judge, as increased under this subsection, exceed 95 per centum of the salary of a ... district judge in regular active service."

Judges of the U.S. Court of Federal Claims,

28 U.S.C. 171 "(a) The President shall appoint, by and with the advice and consent of the Senate, sixteen judges who shall constitute a court of record known as the ... Court of Federal Claims. The court is declared to be a court established under article I of the Constitution

"(b) The President shall designate one of the judges of the Court of Federal Claims who is less than seventy years of age to serve as chief judge. The chief judge may continue to serve as such until he reaches the age of seventy years or until another judge is designated as chief judge by the President. After the designation of another judge to serve as chief judge, the former chief judge may continue to serve as a judge of the court for the balance of the term to which appointed."

28 U.S.C. 172 "(a) Each judge of the ... Court of Federal Claims shall be appointed for a term of fifteen years.

"(b) Each judge shall receive a salary at the rate of pay, and in the same manner, as judges of the district courts

28 U.S.C. 173 "The principal office of the ... Court of Federal Claims shall be in the District of Columbia, but the Court of Federal Claims may hold court at such times and in such places as it may fix by rule of court. The times and places of the sessions of the Court of Federal Claims shall be prescribed with a view to securing reasonable opportunity to citizens to appear before the Court of Federal Claims with as little inconvenience and expense to citizens as is practicable."

28 U.S.C. 174 "(a) The judicial power of the ... Court of Federal Claims with respect to any action, suit, or proceeding, except congressional reference cases, shall be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.

"(b) All decisions of the Court of Federal Claims shall be preserved and open to inspection."

28 U.S.C. 175 "(a) The official duty station of each judge of the ... Court of Federal Claims is the District of Columbia.

"(b) After appointment and while in active service, each judge shall reside within fifty miles of the District of Columbia."

Retirement of judges of the U.S. Court of Federal Claims

28 U.S.C. 178 "(a) A judge of the ... Court of Federal Claims who retires from office after attaining the age and meeting the service requirements, whether continuously or otherwise, of this subsection shall, subject to subsection (f), be entitled to receive, during the remainder of the judge's lifetime, an annuity equal to the salary payable to Court of Federal Claims judges in regular active service. The age and service requirements for retirement under this subsection are as follows:

Attained age:	Years of service:
65.....	15
66.....	14
67.....	13
68.....	12
69.....	11
70.....	10

(b) A judge of the Court of Federal Claims who is not reappointed following the expiration of the term of office of such judge, and who retires upon the completion of such term shall, subject to subsection (f), be entitled to receive, during the remainder of such judges's lifetime, an annuity equal to the salary payable to Court of Federal Claims judges in regular active service, if--

(1) such judge has served at least 1 full term as judge of the Court of Federal Claims, and

(2) not earlier than 9 months before the date on which the term of office of such judge expired, and not later than 6 months before such date, such judge advised the President in writing that such judge was willing to accept reappointment as a judge of the Court of Federal Claims.

(c) A judge of the Court of Federal Claims who has served at least 5 years, whether continuously or otherwise, as such a judge, and who retires or is removed from office upon the sole ground of mental or physical disability shall, subject to subsection (f), be entitled to receive, during the remainder of the judge's lifetime--

(1) an annuity equal to 50 percent of the salary payable to Court of Federal Claims judges in regular active service, if before retirement such judge served less than 10 years, or

(2) an annuity equal to the salary payable to Court of Federal Claims judges in regular active service, if before retirement such judge served at least 10 years.

(d) A judge who retires under subsection (a) or (b) may, at or after such retirement, be called upon by the chief judge of the Court of Federal Claims to perform such judicial duties with the Court of Federal Claims as may be requested of the retired judge for any period or periods specified by the chief judge, except that in the case of any such judge--

(1) the aggregate of such periods in any one calendar year shall not (without his or her consent) exceed 90 calendar days; and

(2) he or she shall be relieved of performing such duties during any period in which illness or disability precludes the performance of such duties.

Any act, or failure to act, by an individual performing judicial duties pursuant to this subsection shall have the same force and effect as if it were the act (or failure to act) of a Court of Federal Claims judge in regular active service. Any individual performing judicial duties pursuant to this subsection shall receive the allowance for official travel and other expenses of a judge in regular active service.

(e)(1) Any judge who retires under the provisions of subsection (a) or (b) of this section shall be designated "senior judge".

(2) Any judge who retires under this section shall not be counted as a judge of the Court of Federal Claims for purposes of the number of judgeships authorized by section 171 of this title.

(f)(1) A judge shall be entitled to an annuity under this section if the judge elects an annuity under this section by notifying the Director ... in writing. Such an election--

(A) may be made only while an individual is a judge of the Court of Federal Claims (except that in the case of an individual who fails to be reappointed as judge at the expiration of a term of office, such election may be made at any time before the day after the day on which his or her successor takes office); and

(B) once made, shall, subject to subsection (k), be irrevocable.

(2) A judge who elects to receive an annuity under this section shall not be entitled to receive--

(A) any annuity to which such judge would otherwise have been entitled under subchapter III of chapter 83, or under chapter 84, of title 5, for service performed as a judge or otherwise;

(B) an annuity or salary in senior status or retirement under section 371 or 372 of this title;

(C) retired pay under section 7447 of the Internal Revenue Code of 1986; or

(D) retired pay under section 4096 of title 38.

(g) For purposes of calculating the years of service of an individual under subsections (a) and (c), only those years of service as a judge of the Court of Federal Claims or a commissioner of ... Court of Claims shall be credited, and that portion of the aggregate number of years of such service that is a fractional part of 1 year shall not be credited if it is less than 6 months, and shall be credited if it is 6 months or more.

(h) An annuity under this section shall be payable at the times and in the same manner as the salary of a Court of Federal Claims judge in regular active service. Such annuity shall begin to accrue on the day following the day on which the annuitant's salary as a judge in regular active service ceases to accrue.

(i)(1) Payments under this section which would otherwise be made to a judge of the Court of Federal Claims based upon his or her service shall be paid (in whole or in part) by the Director ... to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation. Any payment under this paragraph to a person bars recovery by any other person.

(2) Paragraph (1) shall apply only to payments made by the Director ... after the date of receipt by the Director of written notice of such decree, order, or agreement, and such additional information as the Director may prescribe.

(3) As used in this subsection, the term "court" means any court of any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands, and any Indian tribal court or court of Indian offense.

(j)(1) Subject to paragraph (2), any judge of the Court of Federal Claims who retires under this section and who thereafter in the practice of law represents (or supervises or directs the representation of) a client in making any civil claim against the United States or any agency thereof shall forfeit all rights to an annuity under this section for all periods beginning on or after the first day on which he so practices law.

(2) If a judge of the Court of Federal Claims who retires under this section fails during any calendar year to perform judicial duties required of such judge by subsection (d), such judge shall forfeit all rights to an annuity under this section for the 1-year period which begins on the first day on which he or she so fails to perform such duties.

(3) If a judge of the Court of Federal Claims who retires under this section accepts compensation for civil office or employment under the Government of the United States (other than the performance of judicial duties under subsection (d), such judge shall forfeit all rights to an annuity under this section for the period for which such compensation is received.

(4)(A) If a judge makes an election under this paragraph--

(i) paragraphs (1) and (2) (and subsection (d)) shall not apply to such judge beginning on the date such election takes effect, and

(ii) the annuity payable under this section to such judge, for periods beginning on or after the date such election takes effect, shall be equal to the annuity to which such judge is entitled on the day before such effective date.

(B) An election under subparagraph (A)--

(i) may be made by a judge only if such judge meets the age and service requirements for retirement under subsection (a),

(ii) may be made only during the period during which such judge may make an election to receive an annuity under this section or while the judge is receiving an annuity under this section and,

(iii) shall be filed with the Director ...

Such an election, once it takes effect, shall be irrevocable.

(C) Any election under this paragraph shall take effect on the first day of the first month following the month in which the election is made.

(k)(1) Notwithstanding subsection (f)(1)(B), an individual who has filed an election under subsection (f) to receive an annuity may revoke such election at any time before the first day on which such annuity would (but for such revocation) begin to accrue with respect to such individual.

(2) Any revocation under this subsection shall be made by filing a notice thereof in writing with the Director ...

(3) In the case of any revocation under this subsection--

(A) for purposes of this section, the individual shall be treated as not having filed an election under subsection (f) to receive an annuity,

(B) for purposes of section 376 of this title--

(i) the individual shall be treated as not having filed an election under section 376(a)(1), and

(ii) section 376(g) shall not apply, and the amount credit to such individual's account (together with interest at 3 percent per annum, compounded on December 31 of each year to the date on which the revocation is filed) shall be returned to such individual,

(C) no credit shall be allowed for any services as a judge for the Court of Federal Claims or as a commissioner of the ... Court of Claims unless with respect to such service either there

has been deducted and withheld the amount required by chapter 83 or 84 (as the case may be) of title 5 or there has been deposited in the Civil Service Retirement and Disability Fund an amount equal to the amount so required, with interest,

(D) the Court of Federal Claims shall deposit in the Civil Service Retirement and Disability Fund an amount equal to the additional amount it would have contributed to such Fund but for the election under subsection (f), and

(E) if subparagraph (D) is complied with, service on the Court of Federal Claims or as a commissioner of the ... Court of Claims shall be treated as service with respect to which deduction and contribution had been made during the period of service.

(1)(1) There is established in the Treasury a fund which shall be known as the "Court of Federal Claims Judges Retirement Fund". The Fund is appropriated for the payment of annuities and other payments under this section.

(2) The Secretary of the Treasury shall invest, in interest bearing securities of the United States, such currently available portions of the Court of Federal Claims Judges Retirement Fund as are not immediately required for payments from the Fund. The income derived from these investments constitutes a part of the Fund.

(3)(A) There are authorized to be appropriated to the Court of Federal Claims Judges Retirement Fund amounts required to reduce to zero to the unfunded liability of the Fund.

(B) For purposes of subparagraph (A), the term "unfunded liability" means the estimated excess, determined on an annual basis in accordance with the provisions of section 9503 of title 31, of the present value of all benefits payable from the Court of Federal Claims Judges Retirement Fund, over the balance in the fund as of the date the unfunded liability is determined. In making any determination under this subparagraph, the Comptroller General shall use the applicable information contained in the reports filed pursuant to section 9503 of title 31, with respect to the retirement annuities provided for in this section.

(C) There are authorized to be appropriated such sums as may be necessary to carry out this paragraph.

28 U.S.C. 180 "Section 371(e) of this title applies to the judges of the United States Court of Federal Claims, and for the purpose of construing section 371(e) of this title, a judge of the United States Court of Federal Claims shall be deemed to be a judge of the United States as defined in" 28 U.S.C. sec. 451.

28 U.S.C. 375 "(a)(1) A judge of the Court of Federal Claims...appointed under chapter 43 of this title, who has retired under the provisions of section 377 of this title or under the applicable provisions of title 5 upon attaining the age and years of service requirements established in section 371(c) of this title, may agree to be recalled to serve under this section for a period of five years as a ... judge of the Court of Federal Claims ... as the case may be, upon certification that substantial service is expected to be performed by such retired judge ... during such 5-year period. With the agreement of the judge ... involved, a certification under this subsection may be renewed for successive 5-year periods.

"(b) A judge ... [or magistrate judge] recalled under this section may exercise all of the powers and duties of the office of judge ... held at the time of retirement, including the ability to serve in any other judicial district to the extent applicable, but may not engage in the practice of law or engage in any other business, occupation, or employment inconsistent with the expeditious, proper, and impartial performance of duties as a judicial officer.

"(c) See reference on page E-30.

"(e) Except as provided in subsection (b), nothing in this section shall affect the right of judges ... who retire under the provisions of chapter 83 or chapter 84 of title 5 to serve as reemployed annuitants in accordance with the provisions of title 5. A judge ... to whom this section applies may be recalled under section ... 797 of this title ... ,other than during a 5-year period in which a certification under subsection (a) is in effect with respect to that judge

"(f) For purposes of determining the years of service requirements in order to be eligible for recall under this section, any service as a bankruptcy judge, a judge of the Court of Federal Claims, or a magistrate [judge] ... and any prior service as a referee in bankruptcy ... or a ... commissioner may be credited.

"(g) Except as provided in subsection (c), a judge ... recalled under this section who retired under the applicable provisions of title 5 shall be considered to be a reemployed annuitant under chapter 83 or chapter 84, as the case may be, of title 5.

"(h) The Judicial Conference ... may promulgate regulations to implement this section."

28 U.S.C. 797 "(a) Any judge of the ... Court of Federal Claims who has retired from regular active service under subchapter III of chapter 83, or chapter 84, of title 5 shall be known and designated as a senior judge and may perform duties as a judge when recalled pursuant to subsection (b) of this section.

"(b) The chief judge of the Court of Federal Claims may, whenever he deems it advisable, recall any senior judge, with such judge's consent, to perform such duties as a judge and for such period of time as the chief judge may specify.

"(c) Any senior judge performing duties pursuant to this section shall not be counted as a judge for purposes of the number of judgeships authorized by section 171 of this title.

"(d) ... Such senior judge shall also receive from the Court of Federal Claims supplemental pay in an amount sufficient, when added to his retirement annuity, to equal the salary of a judge in active service for the same period or periods of time. Such supplemental pay shall be paid in the same manner as the salary of a judge."

bankruptcy judges,

11 U.S.C. 105(c) Power of court

"The ability of any district judge or other officer or employee of a district court to exercise any of the authority or responsibilities conferred upon the court under this title shall be determined by reference to the provisions relating to such judge, officer, or employee set forth in title 28. This subsection shall not be interpreted to exclude bankruptcy judges and other officers or employees appointed pursuant to chapter 6 of title 28 from its operation."

Public Law 98-353. Bankruptcy Amendments and Federal Judgeship Act of 1984. July 10, 1984

Section 101. Amended 28 U.S.C. 1334 so that jurisdiction over bankruptcy matters is vested in the ... district court.

Section 1334 provides:

"(a) Except as provided in subsection (b) of this section, the district courts shall have original and exclusive jurisdiction of all cases under title 11.

"(b) Notwithstanding any Act of Congress that confers exclusive jurisdiction on a court or courts other than the district courts, the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11, or arising in or related to cases under title 11."

(c) For permissive and mandatory abstention by the district court from hearing particular bankruptcy matters.

"(d) The district court in which a case under title 11 is commenced or is pending shall have exclusive jurisdiction of all of the property, wherever located, of the debtor as of the commencement of such case, and of property of the estate."

Section 120. Provides that whenever a court of appeals is authorized to fill a vacancy that occurs on a bankruptcy court, it shall appoint a person whose character, experience, ability, and impartiality qualify such person to serve in the federal judiciary.

28 U.S.C. 151. Designation of bankruptcy courts

"In each judicial district, the bankruptcy judges in regular active service shall constitute a unit of the district court to be known as the bankruptcy court for that district. Each bankruptcy judge, as a judicial officer of the district court, may exercise the authority conferred under this chapter with respect to any action, suit, or proceeding and may preside alone and hold a regular or special session of the court, except as otherwise provided by law or by rule or order of the district court."

28 U.S.C. 152. Appointment of bankruptcy judges

(a)(1) Authorizes the courts of appeals in each circuit to appoint bankruptcy judges for fourteen year terms. Authorizes a bankruptcy judge, with the approval of the judicial council, to continue to serve until the earlier of 180 days after expiration of the term or the appointment of a successor.

(a)(2)-(4) Provides for: the number of authorized bankruptcy judgeship positions in each district; appointment of a bankruptcy judge by the chief judge of the circuit when a majority of judges on the court of appeals cannot agree on such appointment; and service by district court judges in territories as bankruptcy judges for those courts.

(b)(1)-(2) Authorizes the Judicial Conference, after considering recommendations from the Director after the Director has consulted with the judicial councils of the circuits, to determine the official duty stations and places of holding court of bankruptcy judges; requires periodic recommendations by the Judicial Conference to the Congress regarding the number of bankruptcy judges needed in the districts.

(c) Authorizes bankruptcy judges to hold court anywhere in the district away from the official duty station as court business may require.

(d) Permits service by a bankruptcy judge in districts adjacent to or near the one to which the judge was appointed, subject to approval by the Judicial Conference and the circuit judicial councils involved.

(e) Establishes conditions and procedures under which a bankruptcy judge may be removed by a judicial council before expiration of the judge's term.

28 U.S.C. 153 Salaries ...

"(a) Each bankruptcy judge shall serve on a full-time basis and shall receive as full compensation for his services a salary at an annual rate that is equal to 92 percent of the salary of a judge of the district court ... as determined pursuant to section 135, to be paid at such times as the Judicial Conference ... determines."

28 U.S.C. 154 Division of business: chief judge

Authorizes bankruptcy courts in districts having more than one bankruptcy judge to promulgate rules for the division of business, to the extent this is not already provided for in the rules of the district court. Requires the district court in districts having more than one bankruptcy judge to designate a chief bankruptcy judge.

28 U.S.C. 155 Temporary transfer of bankruptcy judges [and recall of retired judges]

(a) Provides for temporary service by bankruptcy judges in districts other than those to which they were appointed, subject to approval by the circuit judicial councils involved.

(b) Authorizes recall service on an ad hoc basis by bankruptcy judges who have retired on an annuity, and provides, in part: "Upon recall, a bankruptcy judge may receive a salary for such service in accordance with regulations promulgated by the Judicial Conference ... subject to the restrictions on the payment of an annuity in section 377 of this title or in subchapter III of chapter 83, and chapter 84, of title 5 which are applicable to such judge."

28 U.S.C. 156 Staff: expenses

"(a) Each bankruptcy judge may appoint a secretary, a law clerk, and such additional assistants as the Director ... determines to be necessary."

(b) Authorizes appointment of bankruptcy clerks of court and deputy clerks.

(c) Authorizes, subject to conditions prescribed by the pertinent circuit council, use of facilities and services, on or off court premises, for the provision of noticing, docketing, calendaring, and "other administrative information to parties" where such costs are paid for out of assets of the estate, and are not charged to the United States.

(d) Prohibits consolidation of a bankruptcy court clerk's office with a district court clerk's office without prior approval of the Judicial Conference and the Congress.

(e) Provides that the bankruptcy clerk shall be the official custodian of the records and dockets of the bankruptcy court.

(f) Provides that the bankruptcy clerk is accountable for making payments into the Treasury of "all fees, costs, and other monies collected by such clerk ... " Requires that the bankruptcy clerk "make ... returns thereof to the Director of the Administrative Office ... and the Director of the Executive Office for United States Trustees, under regulations prescribed by such Directors."

28 U.S.C. 157 Procedures

Defines the scope of what may be heard and determined by bankruptcy judges in bankruptcy cases and proceedings, and establishes procedures under which district courts may refer and ~~withdraw~~ bankruptcy cases and proceedings to and from bankruptcy judges.

28 U.S.C. 158 Appeals

(a) Provides for review of bankruptcy court orders and judgments on appeal by the district court.

(b)(1)-(4) Authorizes creation of bankruptcy appellate panels by circuit judicial councils to hear bankruptcy appeals. Permits judicial councils of two or more circuits to establish a joint bankruptcy appellate panel if approved by the Judicial Conference. Requires approval by a majority of district judges for referral of the district's bankruptcy appeals to a bankruptcy appellate panel. Authorizes membership on the panel to consist of three bankruptcy judges.

(d) Provides that courts of appeals shall have jurisdiction over appeals from decisions in bankruptcy matters by district courts and bankruptcy appellate panels.

28 U.S.C. 331 Judicial Conference ...

Includes a provision which authorizes the Judicial Conference to "carry on a continuous study" of the general rules of practice and procedure governing the various federal courts (other than the Supreme Court). This would include the study of the Federal Rules of Bankruptcy Procedure.

28 U.S.C. 375 Recall of certain judges and magistrates

Provides for the recall of bankruptcy judges, judges of the Claims Court, and magistrate judges for a period of five years, pursuant to Judicial Conference regulations. Establishes special salary and annuity provisions for judges recalled under this section.

28 U.S.C. 377 Retirement of bankruptcy judges and magistrates [under new retirement system]

Establishes the retirement system for bankruptcy judges and magistrate judges.

5 U.S.C. 8334 Deductions, contributions, deposits [under Civil Service Retirement and hybrid retirement options]

(c) Establishes the retirement percentage deductions and deposits from basic pay for bankruptcy judges and magistrate judges. See reference [to magistrate judges section] on page E-22.

5 U.S.C. 8336 Immediate retirement [under Civil Service Retirement and hybrid retirement options]

"(k) A bankruptcy judge, ... magistrate, or Claims Court judge who is separated from service, except by removal after becoming 62 years of age and completing 5 years of civilian service, or after becoming 60 years of age and completing 10 years of service as a bankruptcy judge, ... magistrate, or Claims Court judge, is entitled to an annuity."

5 U.S.C. 8339 Computation of annuity [under Civil Service Retirement and hybrid retirement options]

"(n) The annuity of an employee who is a Claims Court judge, bankruptcy judge, or ... magistrate is computed, with respect to service as a Claims Court judge, as a commissioner of the Court of Claims, as a referee in bankruptcy, as a bankruptcy judge, as a ... magistrate, and as a United States commissioner and with respect to the military service of any such individual (not exceeding 5 years) creditable under section 8332 of this title, by multiplying 2 1/2 percent of the individual's average pay by the years of that service."

Bankruptcy Administrators

Public Law 99-554. Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986. October 27, 1986.

Section 302(d)(3)(I). Provides the statutory authority for the Judicial Conference to establish an estate administration oversight program in the Judiciary in the judicial districts for the States of North Carolina and Alabama. (The program that was subsequently established by the Conference pursuant to this authority is called the bankruptcy administrator program.) Provides that any person appointed under regulations of the Judicial Conference to administer estates in cases under title 11 of the U.S. Code may---

"(i) establish, maintain, and supervise a panel of private trustees that are eligible and available to serve as trustees in cases under title 11 ... , and

"(ii) supervise the administration of cases and trustees in cases under chapters 7, 11, 12, and 13 of title 11 ... "

Public Law 101-650. The Federal Courts Study Committee Implementation Act of 1990. Dec. 1, 1990.

Section 317. Extends the sunset date for the bankruptcy administrator program to October 1, 2002. Grants standing to bankruptcy administrators to raise, appear, and be heard on any issue in any case under title 11. Clarifies the authority of bankruptcy judges in the bankruptcy administrator districts to act *sua sponte* under 11 U.S.C. 105 to enforce court orders and rules, and to prevent an abuse of process.

magistrate judges,

5 U.S.C. 8334 "(c) Each employee of Member credited with civilian service after July 31, 1920, for which retirement deductions or deposits have not been made, may deposit with interest an amount equal to the following percentages of his basic pay received for that service:

	"Percentage of basic pay	Service period
"United States magistrate judge	2 1/2 . . .	August 1, 1920, to June 30, 1926.
	3 1/2 . . .	July 1, 1926, to June 30, 1942.
or bankruptcy judge	5	July 1, 1942, to June 30, 1948.
	6	July 1, 1948, to October 31, 1956.
	6 1/2 . . .	November 1, 1956 to December 31, 1969.
	7	January 1, 1970, to September 30, 1987.
	8	After September 30, 1987."

5 U.S.C. 8339 "(n) The annuity of an employee who is a bankruptcy judge, or magistrate, is computed with respect to service as a referee in bankruptcy, as a bankruptcy judge, as a ... magistrate judge, and as a Commissioner and ... with respect to the military service of any such individual (not exceeding five years) creditable under section 8332 of this title by multiplying 2 1/2 percent of the individual's average annual pay by the years of that service."

28 U.S.C. 631 "(a) The judges of each ... district court and the district court of the Virgin Islands shall appoint ... magistrates in such numbers and to serve at such locations within the judicial district as the conference may determine under this chapter. In the case of a magistrate judge appointed by the district court of the Virgin Islands, this chapter shall apply as though the court appointing such magistrate judge were a ... district court. Where there is more than one judge of a district court, the appointment, whether an original appointment or reappointment, shall be by the concurrence of a majority of all the judges of such district court, and when there is no such concurrence, then by the chief judge. Where the conference deems it desirable, a magistrate may be designated to serve in one or more districts adjoining the district for which he is appointed. Such a designation shall be made by the concurrence of a majority of the judges of each of the district courts involved and shall specify the duties to be performed by the magistrate judge in the adjoining district or districts.

"(b) No individual may be appointed or reappointed to serve as a magistrate judge under this chapter unless:

"(1) He has been for at least 5 years a member in good standing of the bar of the highest court of a State, the District of Columbia, the Commonwealth of Puerto Rico, or the Virgin Islands ... ,

"(B) except that an individual who does not meet the bar membership requirements of this paragraph may be appointed and serve as a part-time magistrate if the appointing court or courts and the conference find that no qualified individual who is a member of the bar is available to serve at a specific location;

"(2) He is determined by the appointing district court or courts to be competent to perform the duties of the office;

"(3) In the case of an individual appointed to serve in a national park, he resides within the exterior boundaries of that park or at some place reasonably adjacent thereto;

"(4) He is not related by blood or marriage to a judge of the appointing court or courts at the time of his initial appointment; and

"(5) He is selected pursuant to standards and procedures promulgated by the Judicial Conference... . Such standards and procedures shall contain provision for public notice of all vacancies in magistrate judge positions and for the establishment by the district courts of merit selection panels, composed of residents of the individual judicial districts, to assist the courts in identifying and recommending persons who are best qualified to fill such positions.

"(c) A magistrate may hold no other civil or military office or employment under the United States: Provided, however, That, with the approval of the conference, a clerk or deputy clerk of a court ... may be appointed and serve as part-time ... magistrate, but the conference shall fix the aggregate amount of compensation to be received for performing the duties of part-time magistrate and clerk or deputy clerk"

"(e) The appointment of any individual as a full-time magistrate shall be for a term of eight years, and the appointment of any individuals as a part-time magistrate shall be for a term of four years ... "

"(1) A ... magistrate appointed under this chapter shall be exempt from the provisions of subchapter I of chapter 63 of title 5."

28 U.S.C. 632 "(a) Full-time ... magistrates may not engage in the practice of law, and may not engage in any other business, occupation, or employment inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers.

"(b) Part-time ... magistrates shall render such service as judicial officers as is required by law. While so serving they may engage in the practice of law, but may not serve as counsel in any criminal action in any court of the United States, nor act in any capacity that is, under such regulations as the conference may establish, inconsistent with the proper discharge of their office. Within such restrictions, they may engage in any other business, occupation, or employment which is not inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers."

28 U.S.C. 633 "(a) Surveys by the Director--

* * *

"(2) In the course of any survey, the Director shall take into account local conditions in each judicial district, including the areas and the populations to be served, the transportation and communications facilities available, the amount and distribution of business of the type expected to arise before officers appointed under this chapter (including such matters as may be assigned under section 636(b) of this chapter), and any other material factors. The Director shall give consideration to suggestions from any interested parties, including district judges ... commissioners or officers appointed under this chapter ... attorneys, bar associations, and other parties having relevant experience or information."

"(3) The surveys shall be made with a view toward creating and maintaining a system of full-time ... magistrates. However, should the Director find, as a result of any such surveys, areas in which the employment of a full-time magistrate would not be feasible or desirable, he shall recommend the appointment of part-time ... magistrates in such numbers and at such locations as may be required to permit prompt and efficient issuance of process and to permit individuals charged with criminal offenses against the United States to be brought before a judicial officer ... promptly after arrest."

"(b) The Judicial Conference ... determines the number, type, location, and salary of each full-time and part-time magistrate position, based upon surveys and recommendations of the

Director ... and the recommendations of the pertinent district courts and judicial councils of the circuits.

"(c) Changes in number, locations, and salaries. -- Except as otherwise provided in this chapter, the conference may, from time to time, in the light of the recommendations of the Director, the district courts, and the councils, change the number, locations, and salaries of full-time and part-time magistrates, as the expeditious administration of justice may require."

28 U.S.C. 634 "(a) Officers appointed under this chapter shall receive, as full compensation for their services, salaries to be fixed by the conference pursuant to section 633, at rates for full-time ... magistrates up to an annual rate equal to 92 percent of the salary of a judge of the district court ... as determined pursuant to section 135, and at rates for part-time magistrates of not less than an annual salary of \$100, nor more than one-half the maximum salary payable to a full-time magistrate." In fixing the amount of salary to be paid to any officer appointed under this chapter, consideration shall be given to the average number and the nature of matters that have arisen during the immediately preceding period of five years, and that may be expected thereafter to arise, over which such officer would have jurisdiction and to such other factors as may be material. Disbursement of salaries shall be made by or pursuant to the order of the Director.

"(b) Except as provided by section 8344, title 5, relating to reductions of the salaries of reemployed annuitants under subchapter III of chapter 83 of such title and unless the office has been terminated as provided in this chapter, the salary of a full-time ... magistrate shall not be reduced, during the term in which he is serving, below the salary fixed for him at the beginning of that term.

"(c) All ... magistrates, effective upon their taking the oath or affirmation of office, and all necessary legal, clerical, and secretarial assistants employed in the offices of full-time ... magistrate judges shall be deemed to be officers and employees in the judicial branch ... within the meaning of subsection III (relating to civil service retirement) of chapter 83, chapter 87 (relating to Federal employees' group life insurance), and chapter 89 (relating to Federal employees' health benefits program) of title 5. Part-time magistrate judges shall not be excluded from coverage under these chapters solely for lack of a prearranged regular tour of duty." (Soc. Sec. Amends. Act of 1983 (P.L. 98-21) and Federal Employees Retirement Contribution Temporary Adjustment Act of 1983 (P.L. 98-168)) "A legal assistant appointed under this section shall be exempt from the provisions of subchapter I of chapter 63 of title 5, unless specifically included by the appointing judge or by local rule of court."

28 U.S.C. 635(a) See reference on page E-41.

28 U.S.C. 636 "(a) Each ... magistrate serving under this chapter shall have within the territorial jurisdiction prescribed by his appointment--

"(1) all powers and duties conferred or imposed upon ... commissioners by law or by the Rules of Criminal Procedure for the ... District Courts;

"(2) the power to administer oaths and affirmations, issue orders pursuant to section 3142 of title 18 concerning release or detention of persons pending trial, and take acknowledgements, affidavits, and depositions;

"(3) the power to conduct trials [all federal misdemeanors] under section 3401 ... [18 U.S.C.] ... in conformity with and subject to the limitations of that section;

"(4) the power to enter a sentence for a misdemeanor or infraction with the consent of the parties.

"(b)(1) Notwithstanding any provision of law to the contrary--

"(A) a judge may designate a magistrate to hear and determine any pretrial matter pending before the court, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or quash an indictment or information made by the defendant, to suppress evidence in a criminal case, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, and to involuntarily dismiss an action. A judge of the court may reconsider any pretrial matter under this subparagraph (A) where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law."

"(B) a judge may also designate a magistrate to conduct hearings, including evidentiary hearings, and to submit to a judge of the court proposed findings of fact and recommendations for the disposition, by a judge of the court, of any motion excepted in subparagraph (A), of applications for posttrial relief made by individuals convicted of criminal offenses and of prisoner petitions challenging conditions of confinement."

"(2) A judge may designate a magistrate to serve as a special master pursuant to the applicable provisions of this title and the Federal Rules of Civil Procedure for the ... district courts. A judge may designate a magistrate to serve as a special master in any civil case, upon consent of the parties, without regard to the provisions of rule 53(b) of the Federal Rules of Civil Procedure for the ... district courts."

"(3) A magistrate may be assigned such additional duties as are not inconsistent with the Constitution and laws of the United States."

"(c) Notwithstanding any provision of law to the contrary--"

"(1) Upon the consent of the parties, a full-time ... magistrate or a part-time ... magistrate who serves as a full-time judicial officer may conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case, when specially designated to exercise such jurisdiction by the district court or courts he serves. Upon the consent of the parties, pursuant to their specific written request, any other part-time magistrate may exercise such jurisdiction, if such magistrate meets the bar membership requirements set forth in section 631(b)(1) and the chief judge of the district court certifies that a full-time magistrate is not reasonably available in accordance with guidelines established by the judicial council of the circuit"

"(3) Upon entry of judgment in any case referred under paragraph (1) of this subsection, an aggrieved party may appeal directly to the appropriate ... court of appeals from the judgment of the magistrate judge in the same manner as an appeal from any other judgment of a district court. In this circumstance, the consent of the parties allows a magistrate judge

designated to exercise civil jurisdiction under paragraph (1) of this subsection to direct the entry of judgment of the district court in accordance with the Federal Rules of Civil Procedure. Nothing in this paragraph shall be construed as a limitation of any party's right to seek review by the Supreme Court "

"(4) Notwithstanding the provisions of paragraph (3) of this subsection, at the time of reference to a magistrate, the parties may further consent to appeal on the record to a judge of the district court in the same manner as on an appeal from a judgment of the district court to a court of appeals. Wherever possible the local rules of the district court and the rules promulgated by the conference shall endeavor to make such appeal expeditious and inexpensive. The district court may affirm, reverse, modify, or remand the magistrate judge's judgment."

"(5) Cases in the district courts under paragraph (4) of this subsection may be reviewed by the appropriate ... court of appeals upon petition for leave to appeal by a party stating specific objections to the judgment. Nothing in this paragraph shall be construed to be a limitation on any party's right to seek review by the Supreme Court "

"(6) The court may, for good cause shown on its own motion, or under extraordinary circumstances shown by any party, vacate a reference of a civil matter to a magistrate judge under this subsection."

"(7) The magistrate judge shall, subject to guidelines of the Judicial Conference, determine whether the record taken pursuant to this section shall be taken by electronic sound recording, by a court reporter, or by other means."

(f) Emergency transfers of a magistrate judge to another district.

(g) Permits assignment of a magistrate judge to conduct verification hearings under 18 U.S.C. 4108 in a foreign country. Provides that a magistrate judge may conduct consent verification hearings required by 18 U.S.C. 4107 and may be assigned to conduct the verification hearings required by 18 U.S.C. 4108 in a foreign country. A magistrate judge may also appoint counsel for such hearings in accordance with 18 U.S.C. 4109.

"(h) A ... magistrate who has retired may, upon the consent of the chief judge of the district involved, be recalled to serve as a magistrate judge in any judicial district by the judicial council of the circuit within which such district is located. Upon recall, a magistrate judge may receive a salary for such service in accordance with regulations promulgated by the Judicial Conference, subject to the restrictions on the payment of an annuity set forth in section 377 of this title or in subchapter III of chapter 83, and chapter 84, of title 5 which are applicable to such magistrate judge "

28 U.S.C. 375(a)(1) See reference on page E-19, which includes both bankruptcy and magistrate judges.

(b) See reference on page E-20, which includes both bankruptcy and magistrate judges.

"(c) During the 5-year period in which a certification under subsection (a) is in effect, the ... magistrate judge involved shall receive, in addition to the annuity provided under the

provisions of section 377 of this title or under the applicable provisions of title 5 " See page E-30 for reference on balance of 28 U.S.C. 375(c), which includes both bankruptcy and magistrate judges."

(e) See reference on page E-20, which includes both bankruptcy and magistrate judges.

(f) See reference on page E-20, which includes both bankruptcy and magistrate judges.

(g) See reference on page E-20, which includes both bankruptcy and magistrate judges.

(h) See reference on page E-20, which includes both bankruptcy and magistrate judges.

28 U.S.C. 377 See reference on page E-24.

18 U.S.C. 3401 "(a) When specially designated to exercise such jurisdiction by the district court or courts he serves, any ... magistrate shall have jurisdiction to try persons accused of, and sentence persons convicted of, misdemeanors committed within that judicial district."

"(b) Any person charged with a misdemeanor may elect, however, to be tried before a judge of the district court for the district in which the offense was committed. The magistrate shall carefully explain to the defendant that he has a right to trial, judgment, and sentencing by a judge of the district court and that he may have a right to trial by jury before a district or magistrate judge. The magistrate judge shall not proceed to try the case unless the defendant, after such explanation, files a written consent to be tried before the magistrate judge that specifically waives trial, judgment, and sentencing by a judge of the district court."

"(c) A magistrate judge who exercises trial jurisdiction under this section, and before whom a person is convicted or pleads either guilty or nolo contendere, may, with the approval of a judge of the district court, direct the probation service of the court to conduct a presentence investigation on that person and render a report to the magistrate judge prior to the imposition of sentence."

"(d) The probation laws shall be applicable to persons tried by a magistrate judge under this section, and such officer shall have power to grant probation and to revoke, modify, or reinstate the probation of any person granted probation by a magistrate judge."

"(e) Proceedings before ... magistrate judges under this section shall be taken down by a court reporter or recorded by suitable sound recording equipment. For purposes of appeal a copy of the record of such proceedings shall be made available at the expense of the United States to a person who makes affidavit that he is unable to pay or give security therefor, and the expense of such copy shall be paid by the Director"

"(f) The district court may order that proceedings in any misdemeanor case be conducted before a district judge rather than a ... magistrate judge upon the court's own motion or, for good cause shown, upon petition by the attorney for the Government. Such petition should note the novelty, importance, or complexity of the case, or other pertinent factors, and be filed in accordance with regulations promulgated by the Attorney General."

"(h) The magistrate judge shall have power to modify, revoke, or terminate supervised release of any person sentenced to a term of supervised release by a magistrate judge."

"(i) A district judge may designate a magistrate judge to conduct hearings to modify, revoke, or terminate supervised release, including evidentiary hearings, and to submit to the judge proposed findings of fact and recommendations for such modification, revocation, or termination by the judge, including, in the case of revocation, a recommended disposition under section 3583(e) of this title. The magistrate judge shall file his or her proposed findings and recommendations."

18 U.S.C. 3402 "In all cases of conviction by a ... magistrate judge an appeal of right shall lie from the judgment of the magistrate judge to a judge of the district court of the district in which the offense was committed."

Public Law 99-239, January 14, 1986, 99 Stat. 1836, Section 202(b)(4) "The ... District Court for ... Hawaii may appoint one or more magistrates for the defense sites in the Marshall Islands. Such Magistrates shall have the power and the status of Magistrates appointed pursuant to chapter 43 ... [28 U.S.C.] ... provided, however that such Magistrates shall have the power to try persons accused of and sentence persons convicted of petty offenses, as defined in section 1(3) ... [18 U.S.C.] ... including violations of regulations for the maintenance of peace, order, and health issued by the Commanding Officer on such defense sites, without being subject to the restrictions provided for in section 3401(b) ... [18 U.S.C.]"

Section 202(c)(2), H.J. Res. 626 Authorizes the District Court of Guam to appoint a magistrate judge for defense sites in the Republic of Palau.

18 U.S.C. 3060 Preliminary examination before a ... magistrate judge, describes limitations as to time in fixing dates of trial and continuations, and explains termination of jurisdiction through intervening indictment or filing of information and recording of proceedings.

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and all other officers and employees of the Federal Judiciary not otherwise specifically provided for.

18 U.S.C. 3152 "(a) On and after the date of the enactment of the Pretrial Services Act of 1982, the Director ... shall, under the supervision and direction of the Judicial Conference ... provide directly, or by contract or otherwise (to such extent and in such amounts as are provided in appropriation Acts), for the establishment of pretrial services in each judicial district (other than the District of Columbia). Pretrial services established under this section shall be supervised by a chief probation officer appointed under section 3654 of this title or by a chief pretrial services officer selected under subsection (c) of this section."

"(b) Beginning eighteen months after the date of the enactment of the Pretrial Services Act of 1982, if an appropriate ... district court and the circuit judicial council jointly recommend the establishment under this subsection of pretrial services in a particular district, pretrial services shall be established under the general authority of the Administrative Office "

"(c) The pretrial services established under subsection (b) of this section shall be supervised by a chief pretrial services officer selected by a panel consisting of the chief judge of the circuit, the chief judge of the district, and a magistrate judge of the district or their designees. The chief pretrial services officer appointed under this subsection shall be an individual other than one serving under authority of section 3654 of this title."

18 U.S.C. 3153 "(a)(1) With the approval of the district court, the chief pretrial services officer in districts in which pretrial services are established under section 3152(b) of this title shall appoint such other personnel as may be required. The position requirements and rate of compensation of the chief pretrial services officer and such other personnel shall be established by the Director with the approval of the Judicial Conference ... except that no such rate of compensation shall exceed the rate of basic pay in effect and then payable for grade GS-16 of the General Schedule under section 5332 ... [5 U.S.C.] "

"(2) The chief pretrial services officer in districts in which pretrial services are established under section 3152(b) of this title is authorized, subject to the general policy established by the Director and the approval of the district court, to procure temporary and intermittent services to the extent authorized by section 3109 ... [5 U.S.C.] The staff, other than clerical staff, may be drawn from law school students, graduate students, or such other available personnel."

"(b) The chief probation officer in all districts in which pretrial services are established under section 3152(a) of this title shall designate personnel appointed under chapter 231 of this title to perform pretrial services under this chapter."

"(c)(1) Except as provided in paragraph (2) of this subsection, information obtained in the course of performing pretrial services functions in relation to a particular accused shall be used only for the purposes of a bail determination and shall otherwise be confidential. Each pretrial services report shall be made available to the attorney for the accused and the attorney for the Government."

"(2) The Director shall issue regulations establishing the policy for release of information made confidential by paragraph (1) of this subsection. Such regulations shall provide exceptions to the confidentiality requirements under paragraph (1) of this subsection to allow access to such information--"

"(A) by qualified persons for purposes of research related to the administration of criminal justice;"

"(B) by persons under contract under section 3154(4) of this title;"

"(C) by probation officers for the purpose of compiling presentence reports;"

"(D) insofar as such information is a pretrial diversion report, to the attorney for the accused and the attorney for the Government;" and

"(E) in certain limited cases, to law enforcement agencies for law enforcement purposes."

"(3) Information made confidential under paragraph (1) of this subsection is not admissible on the issue of guilt in a criminal judicial proceeding unless such proceeding is a prosecution for a crime committed in the course of obtaining pretrial release or a prosecution for failure to appear for the criminal judicial proceeding with respect to which pretrial services were provided."

18 U.S.C. 3602 Appointment and removal of probation officers.

18 U.S.C. 3603 Duties of probation officers

"A probation officer shall --

- (1) instruct a probationer or a person on supervised release, who is under his supervision, as to the conditions specified by the sentencing court, and provide him with a written statement clearly setting forth all such conditions;
- (2) keep informed, to the degree required by the conditions specified by the sentencing court, as to the conduct and condition of a probationer or a person on supervised release, who is under his supervision, and report his conduct and condition to the sentencing court;
- (3) use all suitable methods, not inconsistent with the conditions specified by the court, to aid a probationer or a person on supervised release who is under his supervision, and to bring about improvements in his conduct and condition;
- (4) be responsible for the supervision of any probationer or a person on supervised release who is known to be within the judicial district;
- (5) keep a record of his work, and make such reports to the Director ... as the Director may require;
- (6) upon request of the Attorney General or his designee, assist in the supervision of and furnish information about, a person within the custody of the Attorney General while on work release, furlough, or other authorized release from his regular place of confinement, or while in prerelease custody pursuant to the provisions of section 3624(c);
- (7) keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision and report thereon to the court placing such person on probation and report to the court any failure of a probationer under his supervision to pay a fine in default within thirty days after notification that it is in default so that the court may determine whether probation should be revoked;
- (8)(A) when directed by the court, and to the degree required by the regimen of care or treatment ordered by the court as a condition of release, keep informed as to the conduct and provide supervision of a person conditionally released under the provisions of section 4243 or 4246 of this title, and report such person's conduct and condition to the court ordering release and to the Attorney General or his designee; and

(B) immediately report any violation of the conditions of release to the court and the Attorney or his desingee; and

(9) perform any other duty that the court may designate."

18 U.S.C. 3611 "A person who is sentenced to pay a fine or assessment shall pay the fine or assessment (including any interest or penalty), as specified by the Director ... Such Director may specify that such payment be made to the clerk of the court or in the manner provided for under section 604(a)(17) ... [28 U.S.C.] "

18 U.S.C. 3624(c) "Pre-release custody. The Bureau of Prisons shall, to the extent practicable, assure that a prisoner serving a term of imprisonment spends a reasonable part, not to exceed six months, of the last 10 per centum of the term to be served under conditions that will afford the prisoner a reasonable opportunity to adjust to and prepare for his re-entry into the community. The authority provided by this subsection may be used to place a prisoner in home confinement. The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during such pre-release custody."

18 U.S.C. 3672 The Director ... shall, under the supervision and direction of the Judicial Conference ... fix the salaries of probation officers and shall provide for their necessary expenses including clerical service and travel expenses."

28 U.S.C. 156(a) See reference on page E-23.

28 U.S.C. 332 Authority for appointment of a circuit executive by the judicial council of each circuit, whose salary shall be established by the Judicial Conference ... not to exceed the annual rate of level V of the Executive Schedule pay rates (5 U.S.C. 5316). The circuit executive shall serve at the pleasure of the judicial council of the circuit. The circuit executive may appoint, with the approval of the council, necessary employees in such numbers as may be approved by the Director ...

28 U.S.C. 463. See reference on page A-1.

28 U.S.C. 602(b) and 604(a)(15) See reference on pages I-2 and I-3.

28 U.S.C. 604(a)(1) and (5). See reference on pages I-2 and I-3.

28 U.S.C. 605. See reference on page I-6.

Title IX of the Judicial Improvements and Access to Justice Act establishes a new chapter 44 - Arbitration, authorizing arbitration programs in 20 district courts. From Section 901 of the Act, the following additions to ... [28 U.S.C.] ... are included in the Digest:

28 U.S.C. 651 Authority of 20 district courts to refer civil cases to arbitration.

28 U.S.C. 657 "(a) The district court may, subject to limits set by the Judicial Conference ... establish and pay the amount of compensation, if any, that each arbitrator shall receive for services rendered in each case."

"(b) Under regulations prescribed by the Director ... a district court may reimburse arbitrators for actual transportation expenses necessarily incurred in the performance of duties under this chapter."

Section 905 of the Act further provides that:

There are authorized to be appropriated for the fiscal year ending September 30, 1989, and for each succeeding 4 fiscal years, to the judicial branch such sums as may be necessary to carry out the purposes of chapter 44, as added by Section 901 of the Act. Funds appropriated under this section shall be allocated by the Administrative Office ... to ... judicial districts and the ... Judicial Center. The funds so appropriated are authorized to remain available until expended, except that such funds may not be expended for the arbitration of actions referred to arbitration after the date of repeal set forth in section 906 of this Act.

28 U.S.C. 711(a) See reference on page C-3.

28 U.S.C. 712 See reference on page C-3.

28 U.S.C. 713 See reference on page C-3.

28 U.S.C. 714 See reference on page C-3.

28 U.S.C. 715 See reference on page C-3.

28 U.S.C. 751 "(a) Each district court may appoint a clerk who shall be subject to removal by the court."

"(b) The clerk may appoint, with the approval of the court, necessary personnel in such number as may be approved by the Director ...

28 U.S.C. 752 "District judges may appoint necessary law clerks and secretaries subject to any limitation on the aggregate salaries of such employees which may be imposed by law."

28 U.S.C. 753 "(a) Each district court ... the District Court of Guam, and the District Court of the Virgin Islands, shall appoint court reporters in such numbers and at rates of compensation to be determined by the Judicial Conference ... Also, additional reporters for temporary service not exceeding three months may be appointed with the approval of the Director ... when there is more reporting work in the district than can be performed promptly by the authorized number of reporters. General authority for the recording of proceedings in the bankruptcy court as a unit of the district court.

"(b) Each session of the court and every other proceeding designated by rule or order of the court or by one of the judges shall be recorded verbatim by shorthand, mechanical means, electronic sound recording, or any other method, subject to regulations promulgated by the Judicial Conference and subject to the discretion and approval of the judge "

"(e) Each reporter shall receive an annual salary to be fixed from time to time by the Judicial Conference ... All supplies shall be furnished by the reporter at his own expense."

28 U.S.C. 755 "Each district judge may appoint a crier for the court in which he presides who shall perform also the duties of bailiff and messenger. A crier may perform also the duties of law clerk if he is qualified to do so and the district judge who appointed him designates him to serve as a crier-law clerk. A crier designated to serve as a crier-law clerk shall receive the compensation of a law clerk, but only so much of that compensation as is in excess of the compensation to which he would be entitled as a crier shall be deemed the compensation of a law clerk for the purposes of any limitation imposed by law upon the aggregate salaries of law clerks and secretaries appointed by a district judge ... "

28 U.S.C. 791 "(a) The ... Court of Federal Claims may appoint a clerk, who shall be subject to removal by the court. The clerk, with the approval of the court, may appoint necessary deputies and employees in such numbers as may be approved by the Director ... Such deputies and employees shall be subject to removal by the clerk with the approval of the court."

"(b) The clerk shall pay into the Treasury all fees, costs, and other moneys collected by him. He shall make returns thereof to the Director ... under regulations prescribed by him."

"(c) On the first day of every regular session of Congress, the clerk shall transmit to Congress a full and complete statement of all the judgments rendered by the court during the previous year, showing the dates and amounts thereof and the parties in whose favor they were rendered, together with a brief synopsis of the nature of the claims upon which they were rendered, and a statement of the costs taxed in each case."

28 U.S.C. 794 "The judges of the ... Court of Federal Claims may appoint necessary law clerks and secretaries, in such numbers as the Judicial Conference ... may approve for district judges."

28 U.S.C. 795 "The chief judge of the ... Court of Federal Claims, with the approval of the court, may appoint necessary bailiffs and messengers, in such numbers as the Director ... may approve, each of whom shall be subject to removal by the chief judge, with the approval of the court."

41 U.S.C. 114 "(a) For purposes of expediting the adjudication of termination claims, the ... Court of Federal Claims is authorized to appoint not more than ten auditors."

42 U.S.C. 300aa-11(a)(1) A proceeding for compensation under the Program for a vaccine-related injury or death shall be initiated by ... the filing of a petition with the ... Court of Federal Claims.

28 U.S.C. 1827 Authority for the use of interpreters in courts for bilingual proceedings and proceedings involving the hearing impaired and for payment by the Director of the salaries, fees, expenses, and costs incident to providing these services from sums appropriated to the Judiciary."

28 U.S.C. 1828 "(a) The Director ... shall establish a program for the provision of special interpretation services in criminal actions and in civil actions initiated by the United States (including petitions for writs of habeas corpus initiated in the name of the United States by

realtors) in a ... district court. The program shall provide a capacity for simultaneous interpretation services in multidefendant criminal actions and mutidefendant civil actions."

"(b) Upon the request of any person in any action for which special interpretation services established pursuant to subsection (a) are not otherwise provided, the Director, with the approval of the presiding judicial officer, may make such services available to the person requesting the services on a reimbursable basis at rates established in conformity with section 9701 of title 31, but the Director may require the prepayment of the estimated expenses of providing the services by the person requesting them."

"(c) Except as otherwise provided in this subsection, the expenses incident to providing services under subsection (a) of this section shall be paid by the Director from sums appropriated to the ... judiciary. A presiding judicial officer, in such officer's discretion, may order that all or part of the expenses shall be apportioned between or among the parties or shall be taxed as costs in a civil action, and any moneys collected as a result of such order may be used to reimburse the appropriations obligated and disbursed in payment for such services."

"(d) Appropriations available to the Director shall be available to provide services in accordance with subsection (b) of this section, and moneys collected by the Director under that subsection may be used to reimburse the appropriations charged for such services. A presiding judicial officer, in such officer's discretion, may order that all or part of the expenses shall be apportioned between or among the parties or shall be taxed as costs in the action."

Public Law 100-459, sec. 403 The position of trustee coordinator in the Bankruptcy Court of the United States shall not be limited to persons with formal legal training.

Rule 32(a)(1) F.R.Cr.P. "Imposition of Sentence. Sentence shall be imposed without unnecessary delay, but the court may, when there is a factor important to the sentencing determination that is not then capable of being resolved, postpone the imposition for a reasonable time until the factor is capable of being resolved ... "

Rule 32(c) F.R.Cr.P. Presentence Investigation.

(1) When Made. A probation officer shall make a presentence investigation and report to the court before the imposition of sentence unless the court finds that there is in the record information sufficient to enable the meaningful exercise of sentencing authority pursuant to 18 U.S.C. 3553, and the court explains this finding on the record.

Except with the written consent of the defendant, the report shall not be submitted to the court or its contents disclosed to anyone unless the defendant has pleaded guilty or nolo contendere or has been found guilty.

(2) Report. The report of the presentence investigation shall contain-

(A) information about the history and characteristics of the defendant, including prior criminal record, if any, financial condition, and any circumstances affecting the defendant's

behavior that may be helpful in imposing sentence or in the correctional treatment of the defendant.

(B) the classification of the offense and of the defendant under the categories established by the Sentencing Commission pursuant to section 994(a) of title 28, that the probation officer believes to be applicable to the defendant's case, the kinds of sentence and the sentencing range suggested for such a category of offense committed by such a category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1); and an explanation by the probation officer of any factors that may indicate that a sentence of a different kind or of a different length from one within the applicable guideline would be more appropriate under all circumstances;

(C) any pertinent policy statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2),

(D) verified information stated in a nonargumentative style containing an assessment of the financial, social, psychological, and medical impact upon, and cost to, any individual against whom the offense has been committed;

(E) unless the court orders otherwise; information concerning the nature and extent of nonprison programs and resources available for the defendant; and

(F) where applicable to determine restitution under 18 U.S.C. 3579, the amount of loss sustained by any victim, and the financial needs and resources of the defendant;

(G) pursuant to 18 U.S.C. 3509, where applicable, a statement of impact on a child victim;

(H) such other information as may be required by the court.

Rule 32(c)(3) Disclosure.

(A) "At least 10 days before imposing sentence, unless the minimum period is waived by the defendant, the court shall provide the defendant and the defendant's counsel with a copy of the report of the presentence investigation, including the information required by subdivision (c)(2) but not including any final recommendation as to sentence, and not to the extent that in the opinion of the court the report contains diagnostic opinions ... "

(B) If the court is of the view that there is information in the presentence report which should not be disclosed under subdivision (c)(3)(A) of this rule, the court in lieu of making the report or part thereof available shall state orally or in writing a summary of the factual information contained therein to be relied on in determining sentence, and shall give the defendant and the defendant's counsel an opportunity to comment thereon. The statement may be made to the parties in camera.

(C) Any material which may be disclosed to the defendant and the defendant's counsel shall be disclosed to the attorney for the government.

(D) If the comments of the defendant and the defendant's counsel or testimony or other information introduced by them allege any factual inaccuracy in the presentence investigation

report or the summary of the report or part thereof, the court shall, as to each matter controverted, make (i) a finding as to the allegation, or (ii) a determination that no such finding is necessary because the matter controverted will not be taken into account in sentencing. A written record of such findings and determinations shall be appended to and accompany any copy of the presentence investigation report thereafter made available to the Bureau of Prisons.

(F) The reports of studies and recommendations contained therein made by the Director of the Bureau of Prisons pursuant to 18 U.S.C. 3552(b) shall be considered a presentence investigation within the meaning of subdivision (c)(3) of this rule.

Public Law 100-459, sec. 404 Notwithstanding any other provision of law, the Administrative Office or any other agency or instrumentality of the United States, is prohibited from restricting solely to staff of the Clerks of the Bankruptcy Courts the issuance of notices to creditors and other interested parties. The Administrative Office shall permit and encourage the preparation and mailing of such notices to be performed by or at the expense of the debtors, trustees or such other interested parties as the Court may direct and approve. The Director shall make appropriate provisions for the use of and accounting for any postage required pursuant to such directives. The provisions of this paragraph shall terminate on October 1, 1990.

Section 405 Such fees as shall be collected for the preparation and mailing of notices in bankruptcy cases as prescribed by the Judicial Conference pursuant to 28 U.S.C. 1930(b) shall be deposited to the "Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses" appropriation to be used salaries and other expenses incurred in providing these services.

Bankruptcy Rule 5007 "(a) Filing of Record of Transcript. The reporter or operator of a recording device shall certify the original notes of testimony, tape recording, or other original record of the proceeding and promptly file them with the clerk. The person preparing any transcript shall promptly file a certified copy with the clerk."

Public Law 99-335 See reference on page A-5.

Public Law 99-554, October 27, 1986, Section 302(d)(3)(D), as amended by Public Law 101-650, December 1, 1990, Section 317 The Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 has been amended to provide that in any judicial district in the State of Alabama or North Carolina that has not elected to participate in the United States Trustee program before 2002, persons may be appointed under regulations issued by the Judicial Conference ... to administer estates in cases under ... [11 U.S.C.]. Such persons are bankruptcy administrators and may raise, appear, and be heard on any issue in any case under title 11, U.S.C., but may not file a plan pursuant to section 1121(c) of such title. Public Law 101-650.

and all necessary expenses of the courts as authorized by law (including the purchase of firearms and ammunition); of which not to exceed \$ shall remain available until expended for space alteration projects,

5 U.S.C. 3109 Temporary employment of experts or consultants and rate of compensation.

5 U.S.C. 5702 "(a)(1) Under regulations prescribed pursuant to section 5707 of this title, an employee, when traveling on official business away from the employee's designated post of duty, or away from the employee's home or regular place of business (if the employee is described in section 5703 of this title), is entitled to any one of the following: "

"(A) a per diem allowance at a rate not to exceed that established by the Administrator ... GSA ... for travel within the continental United States, and by the President or his designee for travel outside the continental United States; "

"(B) reimbursement for the actual and necessary expenses of official travel not to exceed an amount established by the Administrator for travel within the continental United States or an amount established by the President or his designee for travel outside the continental United States;" or

"(C) a combination of payments described in subparagraphs (A) and (B) of this paragraph."

"(2) Any per diem allowance or maximum amount of reimbursement shall be established, to the extent feasible, by locality."

"(3) For travel consuming less than a full day, the payment prescribed by regulation shall be allocated in such manner as the Administrator may prescribe."

"(b)(1) Under regulations prescribed pursuant to section 5707 of this title, an employee who is described in subsection (a) of this section and who abandons the travel assignment prior to its completion--"

"(A) because of an incapacitating illness or injury which is not due to the employee's own misconduct is entitled to reimbursement for expenses of transportation to the employee's designated post of duty, or home or regular place of business, as the case may be, and to payments pursuant to subsection (a) of this section until that location is reached;" or

"(b)(1)(B) because of a personal emergency situation (such as serious illness, injury, or death of a member of the employee's family, or an emergency situation such as fire, flood, or act of God), may be allowed, with the approval of an appropriate official of the agency concerned, reimbursement for expenses of transportation to the employee's designated post of duty, or home or regular place of business, as the case may be, and payments pursuant to subsection (a) of this section until that location is reached."

"(2)(A) Under regulations prescribed pursuant to section 5707 of this title, an employee who is described in subsection (a) of this section and who, with the approval of an appropriate official of the agency concerned, interrupts the travel assignment prior to its completion for a reason specified in subparagraph (A) or (B) of paragraph (1) of this subsection, may be allowed (subject to the limitation provided in subparagraph (B) of this paragraph)--"

"(i) reimbursement for expenses of transportation to the location where necessary medical services are provided or the emergency situation exists,"

"(ii) payments pursuant to subsection (a) of this section until that location is reached, and"

"(iii) such reimbursement and payments for return to such assignment."

"(B) The reimbursement which an employee may be allowed pursuant to subparagraph (A) of this paragraph shall be the employee's actual costs of transportation to the location where necessary medical services are provided or the emergency exists, and return to assignment from such location, less the costs of transportation which the employee would have incurred had such travel begun and ended at the employee's designated post of duty, or home or regular place of business, as the case may be. The payments which an employee may be allowed pursuant to subparagraph (A) of this paragraph shall be based on the additional time (if any) which was required for the employee's transportation as a consequence of the transportation's having begun and ended at a location on the travel assignment (rather than at the employee's designated post of duty, or home or regular place of business, as the case may be)."

"(3) Subject to the limitations contained in regulations prescribed pursuant to section 5707 of this title, an employee who is described in subsection (a) of this section and who interrupts the travel assignment prior to its completion because of an incapacitating illness or injury which is not due to the employee's own misconduct is entitled to payments pursuant to subsection (a) of this section at the location where the interruption occurred."

"(c) This section does not apply to a justice or judge, except to the extent provided by section 456 of title 28."

5 U.S.C. 5703 "An employee serving intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis, or serving without pay or at \$1 a year, may be allowed travel or transportation expenses, under this subchapter, while away from his home or regular place of business and at the place of employment or service."

5 U.S.C. 5704 "(a) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to not in excess of--"

- "(1) 20 cents a mile for the use of a privately owned motorcycle;"
- "(2) 25 cents a mile for the use of a privately owned automobile;" or
- "(3) 45 cents a mile for the use of a privately owned airplane;"

instead of actual expenses of transportation when that mode of transportation is authorized or approved as more advantageous to the Government. A determination of such advantage is not required when payment on a mileage basis is limited to the cost of travel by common carrier including per diem. Notwithstanding the preceding provisions of this subsection, in any case in which an employee who is engaged on official business for the Government chooses to use a privately owned vehicle in lieu of a Government vehicle, payment on a mileage basis is limited to the cost of travel by a Government vehicle."

"(b) In addition to the mileage allowance authorized under subsection (a) of this section, the employee may be reimbursed for--

- (1) parking fees;

- (2) ferry fees;
- (3) bridge, road, and tunnel costs; and
- (4) airplane landing and lie-down fees."

5 U.S.C. 5705 "An agency may advance, through the proper disbursing official, to an employee entitled to per diem or mileage allowances under this subchapter, a sum considered advisable with regard to the character and probable duration of the travel to be performed. A sum advanced and not used for allowance travel expenses is recoverable from the employee or his estate by--

- (1) setoff against accrued pay, retirement credit, or other amount due the employee;
- (2) deduction from an amount due from the United States; and
- (3) such other method as is provided by law."

5 U.S.C. 5706 "Except as otherwise permitted by this subchapter or by statutes relating to members of the uniformed services, only actual and necessary travel expenses may be allowed to an individual holding employment or appointment under the United States."

"(a) Under regulations prescribed pursuant to section 5707 of this title, when the life of an employee who serves in a law enforcement, investigative, or similar capacity, or members of such employee's immediate family, is threatened as a result of the employee's assigned duties, the head of the agency concerned may approve appropriate subsistence payments for the employee or members of the employee's family (or both) while occupying temporary living accommodations at or away from the employee's designated post of duty."

"(b) When a situation described in subsection (a) of this section requires the employee or members of the employee's family (or both) to be temporarily relocated away from the employee's designated post of duty, the head of the agency concerned may approve transportation expenses to and from such alternate location."

5 U.S.C. 5707 "(a)(1) The Administrator ... GSA ... shall prescribe regulations necessary for the administration of this subchapter, except that the Director ... shall prescribe such regulations with respect to official travel by employees of the judicial branch ... "

"(2) Regulations promulgated to implement section 5702 or 5706a of this title shall be transmitted to the appropriate committees of the Congress and shall not take effect until 30 days after such transmittal."

"(b)(1) The Administrator ... in consultation with the Comptroller General ... the Secretary of Transportation, the Secretary of Defense, and representatives of organizations of employees of the Government, shall conduct periodic investigations of the cost of travel and the operation of privately owned vehicles to employees while engaged in official business, and shall report the results of such investigations to Congress at least once a year. In conducting the investigations, the Administrator shall review and analyze among other factors--

- (A) depreciation of original vehicle cost;
- (B) gasoline and oil (excluding taxes);
- (C) maintenance, accessories, parts, and tires;
- (D) insurance; and
- (E) State and Federal taxes."

"(2) The Administrator will issue regulations under this section which shall prescribe mileage allowances which shall not exceed the amounts set forth in section 5704(a) of this title and which reflect the current costs, as determined by the Administrator, of operating privately owned motorcycles, automobiles, and airplanes. At least once each year after the issuance of the regulations described in the preceding sentence, the Administrator shall determine, based upon the results of his investigation, specific figures, each rounded to the nearest one-half cent, of the average, actual cost a mile during the period for the use of a privately owned motorcycle, automobile, and airplane. The Administrator shall report such figures to Congress not later than five working days after he makes his determination. Each such report shall be printed in the Federal Register. The mileage allowances contained in regulations prescribed under this section shall be adjusted within thirty days following the submission of that report to the figures so determined and reported by the Administrator."

"(c)(1) The Administrator ... shall periodically, but at least every 2 years, submit to the Director ... OMB ... an analysis of estimated total agency payments for such items as travel and transportation of people, average costs and duration of trips, and purposes of official travel; and of estimated total agency payments for employee relocation. This analysis shall be based on a sampling survey of agencies each of which spent more than \$5,000,000 during the previous fiscal year on travel and transportation payments, including payments for employee relocation. Agencies shall provide to the Administrator the necessary information in a format prescribed by the Administrator and approved by the Director."

"(2) The requirements of paragraph (1) of this subsection shall expire upon the Administrator's submission of the analysis that includes the fiscal year that ends September 30, 1991."

5 U.S.C. 5722 Travel expenses of appointees to posts of duty outside the contiguous United States; transportation of their families, household goods and personal effects.

5 U.S.C. 5723(a)(1) See reference on page A-1.

5 U.S.C. 5724 Travel expenses of transferred employees; transportation of families, household goods and personal effects.

5 U.S.C. 5728 Travel and transportation expenses of employees serving outside the continental United States incident to taking vacation (home leave) in the United States.

18 U.S.C. 3142 Upon the initial appearance of a person charged with an offense, judicial officers are required to issue an order that, pending trial, the person be 1) released on personal recognizance or upon the execution of an unsecured appearance bond, or 2) released on a condition or combination of conditions of release, or 3) temporarily detained to permit revocation of conditional release, deportation, or exclusion, or 4) detained pending trial. Judicial officers are required to hold a "detention hearing" when pretrial detention is requested by the attorney for the Government.

In making the determination to release or detain an individual, judicial officers must consider available information concerning the nature and circumstances of the alleged offense, weight of evidence against the person, and background information about the person, including family ties, employment, financial resources, community ties, length of residence, past

conduct, history or drug or alcohol abuse, criminal record, and record concerning appearances at court proceedings.

18 U.S.C. 3143 requires detention, pending sentence or appeal, of individuals convicted of a crime of violence, an offense for which the maximum sentence is life imprisonment or death; or an offense for which the maximum term of imprisonment of ten years or more is prescribed in the Controlled Substance Act (21 U.S.C. 801 et. seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et. seq.), the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.). The judicial officer may order release for "exceptional reasons."

18 U.S.C. 3154 "Pretrial services functions shall include the following: ... "

"(1) Collect, verify, and report to the judicial officer, prior to the pretrial release hearing, information pertaining to the pretrial release of each individual charged with an offense, including information relating to any danger that the release of such person may pose to any other person or the community, and recommend appropriate release conditions for such individual; except that a district court may direct that information not be collected, verified, or reported under this paragraph on individuals charged with Class A misdemeanors as defined in section 3559(a)(6) of this title."

"(2) Review and modify the reports and recommendations specified in paragraph (1) of this section for persons seeking release pursuant to section 3146(e) or section 3147 of this chapter."

"(3) Supervise persons released into its custody under this chapter."

"(4) Operate or contract for the operation of appropriate facilities for the custody or care of persons released under this chapter including residential halfway houses, addict and alcoholic treatment centers, and counseling services."

"(5) Inform the court and the ... U.S ... attorney of all apparent violations of pretrial release conditions, arrests of persons released to the custody of providers of pretrial services or under the supervision of providers of pretrial services, and any danger that any such person may come to pose to any other person or the community, and recommend appropriate modifications of release conditions."

"(6) Serve as coordinator for other local agencies which serve or are eligible to serve as custodians under this chapter and advise the court as to the eligibility, availability, and capacity of such agencies."

"(7) Assist persons released under this chapter in securing any necessary employment, medical, legal, or social services."

"(8) Prepare, in cooperation with the ... marshal and the ... U.S ... attorney such pretrial detention reports as are required by the provisions of the Federal Rules of Criminal Procedure relating to the supervision of detention pending trial."

"(9) Develop and implement a system to monitor and evaluate bail activities, provide information to judicial officers on the results of bail decisions, and prepare periodic reports to assist in the improvement of the bail process."

"(10) To the extent provided for in an agreement between a chief pretrial services officer in districts in which pretrial services are established under section 3152(b) of this title, or the chief probation officer in all other districts, and ... U.S ... attorney, collect, verify, and prepare reports for ... U.S ... attorney's office of information pertaining to the pretrial diversion of any individual who is or may be charged with an offense, and perform such other duties as may be required under any such agreement."

"(11) Make contracts, to such extent and in such amounts as are provided in appropriation Acts, for the carrying out of any pretrial services functions."

"(12) Perform such other functions as specified under this chapter."

18 U.S.C. 3401 "(e) Proceedings before ... magistrate judge judges under this section shall be taken down by a court reporter or recorded by suitable sound recording equipment. For purposes of appeal a copy of the record of such proceedings shall be made available at the expense of the United States to a person who makes affidavit that he is unable to pay or give security therefor, and the expense of such copy shall be paid by the Director ... "

18 U.S.C. 3522 "(a) A probation officer may, upon request of the Attorney General, supervise any person provided protection under this chapter who is on probation or parole under State law, if the State involved consents to such supervision. Any person so supervised shall be under Federal jurisdiction during the period of supervision and shall, during that period, be subject to all laws of the United States which pertain to probationers or parolees, as the case may be."

18 U.S.C. 3563 "(b)(10) The court may require a defendant as a condition of probation to undergo available medical, psychiatric, or psychological treatment, including treatment for alcohol and drug dependency.

18 U.S.C. 3672 Duties of the Director ... as they relate to providing for the necessary travel and other expenses of probation officers, including payment for presentence studies and reports by qualified consultants and presentence examinations and reports by psychiatric or psychological examiners ordered by the court.

18 U.S.C. 4107(e) and 4108(e) Consent Verification Hearings

Section 4(a) of Public Law 95-537, as amended by Public Law 101-421, Section 2. "Drug and Alcohol Dependent Offenders Treatment Act of 1989." To carry out the purposes of the Contract Services for Drug Dependent Offenders Act of 1978, there are authorized to be appropriated sums not to exceed ... \$30,000 for the fiscal year ending September 30, 1990; \$40,000 for the fiscal year ending September 30, 1991; and \$45,000 for the fiscal year ending September 30, 1992.

28 U.S.C. 372(c)(1) and (18) See reference on page C-5.

28 U.S.C. 374 "Retired judges ... are not subject to restrictions as to residence. The place where a retired judge maintains the actual abode in which he customarily lives shall be deemed to be his official station for the purposes of section 456 of this title. The place where a judge or magistrate judge recalled under section 155, 375, 636, or 797 of this title maintains the actual abode in which the judge or magistrate judge customarily lives shall be deemed to be the official station of such judge or magistrate judge for purposes of section 604(a)(7) of this title."

28 U.S.C. 456 "(a) The Director ... shall pay each justice or judge of the ... and each retired justice or judge recalled or designated and assigned to active duty, while attending court or transacting official business at a place other than his official duty station for any continuous period of less than thirty calendar days (1) all necessary transportation expenses certified by the justice or judge; and (2) payments for subsistence expenses at rates or in amounts which the Director establishes, in accordance with regulations which the Director shall prescribe with the approval of the Judicial Conference ... and after considering the rates or amounts set by the Administrator of General Services ... and the President pursuant to section 5702 of title 5. The Director ... shall also pay each justice or judge ... and each retired justice or judge recalled or designated and assigned to active duty, while attending court or transacting official business under an assignment authorized under chapter 13 of this title which exceeds in duration a continuous period of thirty calendar days, all necessary transportation expenses and actual and necessary expenses of subsistence actually incurred, notwithstanding the provisions of section 5702 of title 5, in accordance with regulations which the Director shall prescribe with the approval of the Judicial Conference ...

"(b) The official duty station of the Chief Justice ... the Justices ... and the judges of the ... Court of Appeals for the District of Columbia Circuit, the ... Court of Appeals for the Federal Circuit, and the ... District Court for the District of Columbia shall be the District of Columbia."

"(c) The official duty station of the judges of the ... court of International Trade shall be New York City.

"(d) The official duty station of each district judge shall be that place where a district court holds regular sessions at or near which the judge performs a substantial portion of his judicial work, which is nearest the place where he maintains his actual abode in which he customarily lives.

"(e) The official duty station of a circuit judge shall be that place where a circuit or district court holds regular sessions at or near which the judge performs a substantial portion of his judicial work, or that place where the Director provides chambers to the judge where he performs a substantial portion of his judicial work, which is nearest the place where he maintains his actual abode in which he customarily lives.

"(f) The official duty station of a retired judge shall be established in accordance with section 374 of this title.

"(g) Each circuit or district judge whose official duty station is not fixed expressly by this section shall notify the Director ... in writing of his actual abode and official duty station

upon his appointment and from time to time thereafter as his official duty station may change."

28 U.S.C. 460 Provisions of 28 U.S.C. 452-459 are applicable to Guam and Virgin Islands.

28 U.S.C. 463 See reference on page A-2.

28 U.S.C. 471 There shall be implemented by each United States district court, in accordance with this title, a civil justice expenses and delay reduction plan. The plan may be a plan developed by such district court or a model plan developed by the Judicial Conference of the United States. The purposes of each plan are to facilitate deliberate adjudication of civil cases on the merits, monitor discovery, improve litigation management, and ensure just, speedy, and inexpensive resolutions of civil disputes.

28 U.S.C. 604(h)(1) and (2) See reference on page I-6.

28 U.S.C. 612 Judiciary Automation Fund

"(a) Establishment and availability of Fund. -- There is hereby established in the Treasury of the United States a special fund to be known as the "Judiciary Automation Fund" (hereafter in this section referred to as the "Fund"). Moneys in the Fund shall be available to the Director without fiscal year limitation for the procurement (by lease, purchase, exchange, transfer, or otherwise) of automatic data processing equipment for the judicial branch of the United States. The Fund shall also be available for expenses, including personal services and other costs, for the effective management, coordination, operation, and use of automatic data processing equipment in the judicial branch."

"(b) Plan for meeting automatic data processing needs. --

(1) Development of plan. -- The Director shall develop and annually revise, with the approval of the Judicial Conference of the United States, a long range plan for meeting the automatic data processing equipment needs of the judicial branch. Such plan and revisions shall be submitted to Congress.

(2) Expenditures consistent with plan. -- The Director may use amounts in the Fund to procure automatic data processing equipment for the judicial branch of the United States only in accordance with the plan developed under paragraph (1)."

"(c) Deposits into Fund --

(1) Deposits. -- There shall be deposited in the Fund --

(A) all proceeds resulting from activities conducted under subsection (a), including net proceeds of disposal of excess or surplus property and receipts from carriers and others for loss of or damage to property;

(B) amounts available for activities described in subsection (a) from funds appropriated to the Judiciary; and

(C) any advances and reimbursements required by paragraph (2).

(2) Advances and reimbursements. -- Whenever the Director procures automatic data processing equipment for any entity in the judicial branch other than the courts or the Administrative Office, that entity shall advance or reimburse the Fund, whichever the Director considers appropriate, for the costs of the automatic data processing equipment, from appropriations available to that entity."

"(d) Authorization of appropriations. -- There are authorized to be appropriated to the Fund for any fiscal year such sums as are required to supplement amounts deposited under subsection (c) in order to conduct activities under subsection (a)."

"(h) Annual report. -- The Director shall submit to the Congress an annual report on the operation of the Fund, including on the inventory use and acquisition of automatic data processing equipment from the Fund and the consistency of such acquisition with the plan prepared under subsection (b). The report shall set forth the amounts deposited into the Fund under subsection (c)."

"(l) Termination of authority. -- The Fund, and the authorities conferred by this section, terminate on September 30, 1994. All unobligated amounts remaining in the Fund on that date shall be deposited into the "Judicial Services Account" to be used to reimburse other appropriations."

28 U.S.C. 635 "(a) Full-time ... [magistrate judges] serving under this chapter shall be allowed their actual and necessary expenses incurred in the performance of their duties, including the compensation of such legal assistants as the Judicial Conference, on the basis of the recommendations of the judicial councils of the circuits, considers necessary, and the compensation of necessary clerical and secretarial assistance. Such expenses and compensation shall be determined and paid by the Director under such regulations as the Director shall prescribe with the approval of the conference. The Administrator of General Services shall provide such [magistrate judges] with necessary courtrooms, office space, furniture and facilities within ... courthouses or office buildings owned or occupied by departments or agencies of the United States, or should suitable courtroom and office space not be available within any such courthouse or office building, the Administrator ... at the request of the Director, shall procure and pay for suitable courtroom and office space, furniture and facilities for such [magistrate judge] in another building, but only if such request has been approved as necessary by the judicial council of the appropriate circuit.

"(b) Under such regulations as the Director shall prescribe with the approval of the conference, the Director shall reimburse part-time magistrates for actual expenses necessarily incurred by them in the performance of their duties under this chapter. Such reimbursement may be made, at rates not exceeding those prescribed by such regulations, for expenses incurred by such part-time magistrates for clerical and secretarial assistance, stationery, telephone and other communications services, travel, and such other expenses as may be determined to be necessary for the proper performance of the duties of such officers: Provided, however, That no reimbursement shall be made for all or any portion of the expense incurred by such part-time magistrates for the procurement of office space."

28 U.S.C. 638 See reference on page I-6.

28 U.S.C. 753 General authority for the recording of proceedings in the bankruptcy court as a unit of the district court.

(f) Fees for transcripts furnished to persons allowed to sue, defend or appeal in forma pauperis payable by the United States from funds appropriated for that purpose. Fees for transcripts in proceedings covered by the Criminal Justice Act of 1964 (18 U.S.C. 3006A) are payable from the appropriation "Defender Services."

28 U.S.C. 796 "Subject to the approval of the ... Court of Federal Claims, the Director ... is authorized to contract for the reporting of all proceedings had in open court, and in such contract to fix the terms and conditions under which such reporting services shall be performed, including the terms and conditions under which transcripts shall be supplied by the contractor to the court and to other persons, departments, and agencies."

28 U.S.C. 797(d) [Court of Federal Claims] "Any senior judge, while performing duties pursuant to this section, shall be paid the same allowances for travel and other expenses as a judge in active service. Such senior judge shall also receive from the Court of Federal Claims supplemental pay in an amount sufficient, when added to his civil service retirement annuity, to equal the salary of a judge in active service for the same period or periods of time."

28 U.S.C. 798

"(a) The United States Court of Federal Claims is authorized to use facilities and hold court in Washington, District of Columbia, and throughout the United States (including its territories and possessions) as necessary for compliance with sections 173 and 2503(c) of this title. The facilities of the Federal courts, as well as other comparable facilities administered by the General Services Administration, shall be made available for trials and other proceedings outside the District of Columbia."

"(b) Upon application of a party or upon the judge's own initiative, and upon a showing that the interests of economy, efficiency, and justice will be served, the chief judge of the Court of Federal Claims may issue an order authorizing a judge of the court to conduct proceedings, including evidentiary hearings and trials, in a foreign country whose laws do not prohibit such proceedings, except that an interlocutory appeal may be taken from such an order pursuant to section 1292(d)(2) of this title, and the United States Court of Appeals for the Federal Circuit may, in its discretion, consider the appeal."

28 U.S.C. 961 See reference on page D-4.

28 U.S.C. 1407 Section 1407 provides for the establishment of the Judicial Panel on Multidistrict Litigation and authority for the Panel to transfer civil actions involving one or more common questions of fact in different districts to any district for coordinated or consolidated pretrial proceedings. The Panel consists of seven circuit and district judges designated by the Chief Justice.

28 U.S.C. 1821 See reference on page D-4.

28 U.S.C. 1827 and 1828 Section 1827 and 1828 provide authority for the use of interpreters in courts of the United States for bilingual proceedings and proceedings involving the hearing impaired; authority for payment of fees, expenses, and costs incident to providing such services.

28 U.S.C. 1914 "(a) The clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing of \$120 except that on application for a writ of habeas corpus the filing fee shall be \$5."

12 U.S.C. 1441(a), Section 21A(b)(i)(B) makes the Federal Deposit Insurance Corporation a Federal party when acting as a conservator or receiver of an insured depository institution; thus, the FDIC is now exempt from the civil filing fee.

28 U.S.C. 1915(b) Proceedings in forma pauperis: "(b) Upon the filing of an affidavit in accordance with subsection (a) of this section, the court may direct payment by the United States of the expenses of printing the record on appeal in any civil or criminal case, if such (1) printing is required by the appellate court; (2) preparing a transcript of proceedings before a ... magistrate judge in any civil or criminal case, if such transcript is required by the district court, in the case of proceedings conduct under section 636(b) of this title or under section 3401(b) ... [18 U.S.C.] ... and (3) printing the record on appeal if such printing is required by the appellate court in the case of proceedings conducted pursuant to section 363(c) of this title. Such expenses shall be paid when authorized by the Director" Expenses of printing records on appeal in proceedings under the Criminal Justice Act of 1964 (18 U.S.C. 3006A) are payable from the appropriation "Defender Services."

28 U.S.C. 1930 "(a) Notwithstanding section 1915 of this title, the parties commencing a case under title 11 shall pay to the clerk of the court the following filing fees:

- (1) For a case commenced under chapter 7 or 13 of title 11, \$120.
- (2) For a case commenced under chapter 9 of title 11, \$300.
- (3) For a case commenced under chapter 11 of title 11 that does not concern a railroad, as defined in section 101 of title 11, \$500.
- (4) For a case commenced under chapter 11 of title 11 concerning a railroad, as so defined, \$1000.
- (5) For a case commenced under chapter 12 of title 11, \$200.
- (6) In addition to the filing fee paid to the clerk, a quarterly fee shall be paid to the ... trustee, for deposit in the Treasury, in each case under chapter 11 of title 11 for each quarter (including any fraction thereof) until a plan is confirmed or the case is converted or dismissed, whichever occurs first. The fee shall be \$150 for each quarter in which disbursements total less than \$15,000; \$300 for each quarter in which disbursements total \$15,000 or more but less than \$150,000; \$750 for each quarter in which disbursements total \$150,000 or more but less than \$300,000; \$2,250 for each quarter in which disbursements total \$300,000 or more but less than \$3,000,000; \$3,000 for each quarter in which

disbursements total \$3,000,000 or more. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed. An individual commencing a voluntary case or a joint case under title 11 may pay such fee in installments. For converting, on request of the debtor, a case under chapter 7, or 13 of title 11, to a case under chapter 11 of title 11, the debtor shall pay to the clerk of the district court or the clerk of the bankruptcy court, if one has been certified pursuant to section 156(b) of this title, a fee of \$400.

(b) All fees collected for services rendered after Item 18, for commencing a case under chapter 7 or 13 of title 11, are credited to the Judicial Automation Fund.

28 U.S.C. 1931 "(a) Of the amounts paid to the clerk of court as a fee under section 1914(a) or as part of a judgment for costs under section 2412(a)(2) of this title, \$60 shall be deposited into a special fund of the Treasury to be available to offset funds appropriated for the operation and maintenance of the courts of the United States."

"(b) If the court authorizes a fee under section 1914(a) or an amount included in a judgment for costs under section 2412(a)(2) of this title of less than \$120, the entire fee or amount, up to \$60, shall be deposited into the special fund provided in this section."

28 U.S.C. 2112(a)(3) Authority for Judicial Panel on Multidistrict Litigation to consolidate multicircuit petitions for review in a single circuit.

28 U.S.C. 2509 "(g) The Court of Federal Claims is hereby authorized and directed, under such regulations as it may prescribe, to provide the facilities and services of the office of the clerk of the court for the filing, processing, hearing, and dispatch of congressional reference cases and to include within its annual appropriations the costs thereof and other costs of administration, including (but without limitation to the items herein listed) the salaries and traveling expenses of the judges serving as hearing officers and panel members, mailing and service of process, necessary physical facilities, equipment, and supplies, and personnel (including secretaries and law clerks)."

28 U.S.C. 2510 (a) The Comptroller General may transmit to the ... Court for trial and adjudication any claim or matter of which the Court of Federal Claims might take jurisdiction on the voluntary action of the claimant, together with all vouchers, papers, documents, and proofs pertaining thereto.

(b) The Court of Federal Claims shall proceed with the claims or matters so referred as in other cases pending in such Court and shall render judgement thereon.

28 U.S.C. 2520 The ... Court of Federal Claims shall by rules impose a fee not exceeding \$120, for the filing of any petition."

18 U.S.C. 3563(a), 18 U.S.C. 3583(d), and 18 U.S.C. 4209(a) provide as a mandatory condition of probation, supervised release or parole that a defendant not illegally possess controlled substances.

18 U.S.C. 3563(b), 18 U.S.C. 3583(d), and 18 U.S.C. 4209(c) have been amended, to allow courts or the Parole Commission, to impose as a condition of supervision confinement to the

defendant's residence with monitoring of the condition, if deemed appropriate, by telephone or electronic signaling devices.

18 U.S.C. 3565(a), 18 U.S.C. 3583, and 18 U.S.C. 4214 requires mandatory revocation of probation, supervised release or parole supervision for the illegal possession of controlled substances. 18 U.S.C. 3565 also mandates revocation of probation supervision for possession of a firearm.

18 U.S.C. 4106 provides that U.S. probation officers shall carry out their duties with respect to persons transferred from foreign countries to the United States and released to the jurisdiction of the Parole Commission.

P.L. 100-690 (The Anti-Drug Abuse Act of 1988) provides the following:

Section 5301 provides that courts may order individuals convicted of a Federal or state offense of distributing controlled substances ineligible for certain Federal benefits.

Section 6159(b) requires the Judicial Conference to prepare a report evaluating the impact of drug related activities on the Judiciary.

Rule 72(b) Fed.R.Civ.P. A party objecting to the recommended disposition of the material shall promptly arrange for the transcription of the record, or portions of it as all parties may agree upon or the magistrate judge deems sufficient, unless the district judge otherwise directs.

Rule 75(b)(2) Fed.R.Civ.P. Proceedings on Appeal from Magistrate Judge to District Judge under Rule 73(d). "Transcript. Within 10 days after filing the notice of appeal the appellant shall make arrangements for the production of a transcript of such parts of the proceedings as he deems necessary. Unless the entire transcript is to be included, the appellant, within the time provided above, shall serve on the appellee and file with the court a description of the parts of the transcript which he intends to present on the appeal. If the appellee deems a transcript of other parts of the proceedings to be necessary, within 10 days after the service of the statement of the appellant, he shall serve on the appellant and file with the court a designation of additional parts to be included. The appellant shall promptly make arrangements for the inclusion of all such parts unless the magistrate judge, upon motion, exempts the appellant from providing certain parts, in which case the appellee may provide for their transcription."

Rule 58(e) Fed.R.Cr.P. Proceedings under this rule shall be taken down by a reporter or recorded by suitable sound equipment.

"(q)(2)(c) The record shall consist of the original papers and exhibits in the case together with any transcript, tape, or other recording of the proceedings and a certified copy of the docket entries which shall be transmitted promptly to the clerk of the district court. For purposes of the appeal, a copy of the record of such proceedings shall be made available at the expense of the United States to a person who establishes by affidavit the inability to pay or give security therefor, and the expense of such copy shall be paid by the Director"

Rule 28 Fed.R. Cr. P. "The court may appoint an interpreter of its own selection and may fix the reasonable compensation of such interpreter. Such compensation shall be paid out of funds provided by law or by the government, as the court may direct."

Rule 53(e)(1) Fed. R. Civ. P. (Transcript of Proceedings held before a Magistrate Judge as a Special Master) "The master shall prepare a report upon the matters submitted to him by the order of reference and, if required to make findings of fact and conclusions of law, he shall set them forth in the report. He shall file the report with the clerk of the court and in an action to be tried without a jury, unless otherwise directed by the order of reference, shall file with it a transcript of the proceedings and of the evidence and the original exhibits. The clerk shall forthwith mail to all parties notice of the filing."

Rule 73(a) Fed. R. Civ. P. "When specially designated to exercise such jurisdiction by local rule or order of the district court and when all parties consent thereto, a magistrate judge may exercise the authority provided by ... [28 U.S.C. 636(c)] ... and may conduct any or all proceedings, including a jury or nonjury trial, in a civil case. A record of the proceedings shall be made in accordance with the requirements ... [28 U.S.C. 636(c)(7)] ... "

Rule 83 Fed. R. Civ. P. (Rules by District Courts) "Each district court by action of a majority of the judges thereof may from time to time, after giving appropriate public notice and an opportunity to comment, make and amend rules governing its practice not inconsistent with these rules. A local rule so adopted shall take effect upon the date specified by the district court and shall remain in effect unless amended by the district court or abrogated by the judicial council of the circuit in (which) the district is located. Copies of rules and amendments so made by any district court shall upon their promulgation be furnished to the judicial council and the Administrative Office ... and be made available to the public. In all cases not provided for by rule, the district judges and magistrate judge judges may regulate their practice in any manner not inconsistent with these rules or those of the district in which they act."

Rule 706 Fed. Rules Evid. " ... The court may on its own motion or on the motion of any party enter an order to show cause why expert witnesses should not be appointed, and may request the parties to submit nominations. The court may appoint any expert witnesses agreed upon by the parties, and may appoint expert witnesses of its own selection ... Expert witnesses so appointed are entitled to reasonable compensation in whatever sum the court may allow ... "

Fed. Rules Cr. P. 5.1(c) Records of Preliminary Examinations

Bankruptcy Rule 2003(c) "Minutes and Record of Meeting. Minutes of the meeting of creditors or equity security holders shall be prepared by the presiding officer. Any examination under oath shall be recorded verbatim by electronic sound recording equipment or other means of recording."

Bankruptcy Rule 5007 "(b) Transcript Fees. The fees for copies of transcripts shall be charged at rates prescribed by the Judicial Conference ... No fee may be charged for the certified copy filed with the clerk for the records of the court."

"(c) Admissibility of Record in Evidence. A certified sound recording or a transcript of a proceeding shall be admissible as prima facie evidence to establish the record."

SPACE AND FACILITIES

28 U.S.C. 152 "(b)(1) The Judicial Conference ... shall, from time to time, and after considering the recommendations submitted by the Director ... after such Director has consulted with the judicial council of the circuit involved, determine the official duty stations of bankruptcy judges and places of holding court."

"(c) Each bankruptcy judge may hold court at such places within the judicial district, in addition to the official duty station of such judge, as the business of the court may require."

CONTRACTS AND SERVICES

28 U.S.C. 604(a), (10)(A), (12), and (g)(2) See reference on pages I-2 through I-5.

28 U.S.C. 605 See reference on page I-6.

28 U.S.C. 798 "(a) The ... Court of Federal Claims is hereby authorized to utilize facilities and hold court in Washington, District of Columbia, and in four locations outside of the Washington, District of Columbia metropolitan area, for the purpose of conducting trial and such other proceedings as may be appropriate to executing the court's functions. The Director ... shall designate such locations and provide for such facilities."

40 U.S.C. 490(j) See reference on page C-5.

40 U.S.C. 606 --GSA Administrator's leasing authority is limited to an average rental cost of \$1,500,000, if the space is for " ... computer or telecommunications operations ... or ... a permanent courtroom, judicial chamber, or administrative office for any ... Court ... "

28 U.S.C. 462 "(a) Sessions of courts ... (except the Supreme Court) shall be held only at places where the Director ... provides accommodations, or where suitable accommodations are furnished without cost to the judicial branch."

"(b) The Director ... shall provide accommodations, including chambers and courtrooms, only at places where regular sessions of court are authorized by law to be held, but only if the judicial council of the appropriate circuit has approved the accommodations as necessary."

"(c) The limitations and restrictions contained in subsection (b) of this section shall not prevent the Director from furnishing chambers to circuit judges at places within the circuit other than where regular sessions of court are authorized by law to be held."

"(d) The Director ... shall provide permanent accommodations for the ... Court of Appeals for the Federal Circuit and for the ... Court of Federal Claims only at the District of Columbia. However, each such court may hold regular and special sessions at other places utilizing the accommodations which the Director provides to other courts."

"(e) The Director ... shall provide accommodations for probation officers, pretrial service officers, and Federal Public Defender Organizations at such places as may be approved by the judicial council of the appropriate circuit."

"(f) Upon the request of the Director, the Administrator ... is authorized and directed to provide the accommodations the Director requests, and to close accommodations which the Director recommends for closure with the approval of the Judicial Conference. "

28 U.S.C. 635(a) See reference on page E-49.

* * *

2 U.S.C. 905(g) See reference on page A-1.

Section 610 See reference on page C-6.

and of which \$500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions; and for expenses of the U.S. Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$2,100,000 to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act of 1989.

Crime Control Act of 1990, P.L. 101-647 The bill provides, in part, as follows:

Section 701 of title VII Federal Law Enforcement and Judicial Assistance, authorizes appropriations for Fiscal Year 1991 in the following areas: (1) \$9 million for probation officers, judges, magistrate judges and other personnel, including \$2 million for training, document production, and other expenses related to implementing the Federal sentencing guidelines; and

(2) \$8 million to defender services to defend individuals prosecuted in Federal court for drug offenses arising out of arrests and investigations conducted by state and local law enforcement agencies.

Section 2759(c) of title XXVII of the Act, Banking Law Enforcement, which authorizes the appropriation of funds for the Judiciary, amends section 967 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (Pub. L. No. 101-73, 132 Stat. 506 (Aug. 9, 1989)). Authorization for appropriations is increased from \$10 million for fiscal years 1990 through 1992 to \$25 million for 1991 and \$28 million for 1992 and 1993.

Section 2748 of title XXVII amends 28 U.S.C. Sec. 604(a) to add a new paragraph (24), which requires that the Director submit an annual statistical report to Congress accurately reflecting the impact of the savings and loan crisis on Federal court business. The Statistics Division will have to develop a method of reporting for the courts in order to comply with the new requirement.

Section 3301 of title XXXIII amends title 28 by adding a new Chapter 176--Federal Debt Collection Procedures. The new procedures will go into effect 180 days after signature. Among the more important provisions are the following:

- (a) **Section 3004(b)** will provide for nationwide enforcement of debt collection actions maintained by the United States, and will authorize a debtor to request, within 20 days after receipt of a notice for service or a notice of the commencement of an action or proceeding, that the action or proceeding be transferred to the district court for the district in which the debtor resides.
- (b) **Section 3007** will authorize the court to order the sale of perishable personal property during the pendency of a debt collection proceeding and will require that the proceeds of the sale, along with a written statement, be deposited with the clerk of court within 5 days after the sale.
- (c) **Section 3014** will authorize an individual debtor to elect to exempt certain property and will provide for a hearing on the applicability of any exemption claimed by the debtor, upon request of the debtor or of the United States, in the court in which an action or proceeding is pending.
- (d) **Section 3101** will authorize the United States to seek certain prejudgment remedies and will provide that, on the filing of such an application, the clerk of court shall issue a detailed notice advising the debtor of the procedures for requesting a hearing and moving to quash the order granting the remedy. The court is to convene a hearing on the debtor's request within 5 days.
- (e) **Section 3202** will set out postjudgment enforcement remedies, and will provide that the clerk of court issue a detailed notice on commencement of an action or proceeding to obtain such a remedy. The notice shall state in part, that the judgment debtor may move to quash the order granting remedy by requesting that the court hold a hearing if the request is received within 20 days after receipt of the notice. The hearing is to be held within 5 days after the clerk receives the request.
- (f) **Section 3205** will concern garnishment, and will require that, within 10 days of receipt of a request by the United States or a judgment debtor, the court hold a hearing on objections to the garnishee's answer. This section will further impose a very short time frame for the court to enter an order advising the garnishee of the disposition of the debtor's nonexempt interest in the property at issue. Within 10 days after the garnishment terminates, the United States must provide a cumulative written account to the debtor and garnishee of all property received under the writ of garnishment. The debtor or garnishee may, within 10 days, file a written objection to the accounting and request a hearing, and the court must hold a hearing within 10 days of such a request.

**COURTS OF APPEALS, DISTRICT COURTS, AND
OTHER JUDICIAL SERVICES**

DEFENDER SERVICES

SECTION F

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

Fiscal Year 1993 Appropriation Language:

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d),
\$, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

Other Legal Citations:

18 U.S.C. 3006A(g) Authority for establishment of defender organizations, appointment of attorneys, terms of office, compensation and jurisdiction. Authority for the Director ...to provide professional liability protection for federal defenders. Provision for reports to the Director...

18 U.S.C. 3006A(a) Responsibility of the district courts and the judicial councils, respectively, for formulating plans for representation of persons under the Criminal Justice Act of 1964 (CJA).

(b) Appointments of counsel by the...magistrate or the court for persons financially unable to obtain counsel.

(c) Duration, substitution, and termination of appointments; partial payments and authorization for payments by or on behalf of a person furnished representation.

(d) Hourly rates of compensation and reimbursement of expenses incurred by attorneys; authority for the Judicial Conference to establish alternative hourly rates for certain districts or circuits; authority of the Judicial Conference to increase all statutory hourly rate maximums in amounts not to exceed federal employee pay comparability adjustments; maximum amounts authorized to be paid in felonies, misdemeanors, appeals, and other representations authorized under the Act; waiver of statutory limitations in extended or complex representation; and procedures for filing claims.

(e) Provision for investigative, expert, or other services necessary for adequate representation; maximum amounts of compensation; waiver of statutory limitations; and nunc pro tunc authorization.

(f) Receipt and disposition of funds found available from or on behalf of persons furnished representation under the CJA.

(h) Reports on appointments of counsel to the Director...and authority for the Judicial Conference...to issue rules and regulations.

(i) Authorization for appropriation of funds to carry out provisions of the CJA, including funds for the continued education and training of persons providing representational services pursuant to the Act; payments from appropriations to be made under the supervision of the Director... when specified in appropriation acts, appropriations shall be available until expended.

(j) Defines the term "district court" to include the district courts of the Virgin Islands, the Northern Mariana Islands, and Guam and all the district courts of the United States created by chapter 5...[28 U.S.C.] ...

(k) Application of the Act to federal courts in the District of Columbia. Exclusion from the Act of the municipal court system of the District of Columbia.

18 U.S.C. 3142(f)(2) "...At the [detention] hearing, [the] person has the right to be represented by counsel, and, if financially unable to obtain adequate representation, to have counsel appointed."

18 U.S.C. 3144 "...a judicial officer may order the arrest of [a material witness] and treat the person in accordance with the provisions of section 3142 of this title."

18 U.S.C. 4100 Provision for appointment of a guardian ad litem to act on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, or to the United States from such a country.

18 U.S.C. 4109(a)(1) Appointment of counsel to provide advice to offenders seeking transfer from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences.

(2) Appointment of counsel to provide advice to offenders seeking transfer to the United States from foreign countries with which the United States has a treaty for the execution of penal sentences.

(b) Provision for compensation and reimbursement of travel expenses of a guardian ad litem appointed under 18 U.S.C. 4100.

18 U.S.C. 4109(c) Provision for appointment of counsel for financially eligible offenders on parole from foreign countries, in proceedings before the Parole Commission under 18 U.S.C. 4106A and in appeals from determinations of the Commission under such section.

18 U.S.C. 4211(c)(1) Provision for appointment of counsel to represent parolees facing termination hearings after five years of parole.

18 U.S.C. 4214(a)(2)(B) Requirement for appointment of counsel to represent financially eligible persons charged with a parole violation.

(b)(1) Provision for appointment of counsel to assist parolees in preparing written applications to be considered by the Parole Commission when conducting a detainer review.

(2) Provision for appointment of counsel to represent parolee at detainer review hearing.

(c) Provision for appointment of counsel for parolee at parole revocation hearing.

18 U.S.C. 4247(d) Provision for appointment of counsel to represent persons whose mental condition is the subject of a hearing pursuant to chapter 313 of title 18.

28 U.S.C. 463 See reference on page A-2.

28 U.S.C. 753(f) "...Fees for transcripts furnished in criminal proceedings to persons proceeding under...CJA, or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of moneys appropriated for those purposes. Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal..."

21 U.S.C. 848(q)(4)(A) Provision for appointment and compensation of one or more attorneys to represent financially eligible persons charged with a crime which may be punishable by death, and for the furnishing of necessary investigative, expert and other services.

(B) Provision for appointment of one or more attorneys for financially eligible persons in any postconviction proceeding under sections 2254 or 2255...[28 U.S.C.]...seeking to vacate or set aside a death sentence, and for the furnishing of necessary investigative, expert and other services.

28 U.S.C. 1875(d)(1) Provision for appointment of counsel to represent jurors in civil actions for the protection of their employment.

28 U.S.C. 1915(b) Payment for the printing of records on appeal in criminal cases, if required by the appellate court, and authorized by the Director. Expenses of printing records on appeal in civil cases are payable from the appropriation "Expenses of Operation and Maintenance of the Courts."

Rules 6 and 8 of the Rules Governing 2254 and 2255 Proceedings Counsel shall be appointed by the judge in evidentiary proceedings and, where necessary for their effective utilization, in discovery proceedings, for persons who qualify for appointment of counsel under 18 U.S.C. 3006A(a)(2)(B).

40 U.S.C. 490(j) See reference on page C-5.

2 U.S.C. 905(g) See reference on page A-1.

5 U.S.C. 3109 Provision to authorize contracting for the temporary services of consultants.

Public Law 99-335 See reference on page A-5.

Public Law 101-45, Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989, Title II, Section 102.

Provision for compensation and reimbursement of attorneys and others authorized under 18 U.S.C. 3006A and 28 U.S.C. 1875(d) from funds appropriated for "Defender Services" in the year in which payment is required.

Public Law 102-572, Federal Courts Administration Act of 1992, Section 702 Provision for including attorneys and other CJA service providers in contracts for government travel rates.

Section 610 See reference on page C-6.

**COURTS OF APPEALS, DISTRICT COURTS, AND
OTHER JUDICIAL SERVICES**

FEES OF JURORS AND COMMISSIONERS

SECTION G

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

FEES OF JURORS AND COMMISSIONERS

Fiscal Year 1992 Appropriation Language:

For fees and expenses and refreshments of jurors, as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); \$, to remain available until expended; Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

Other Legal Citations:

28 U.S.C. 1871 "(a) Grand and petit jurors in district courts appearing pursuant to this chapter shall be paid the fees and allowances provided by this section. The requisite fees and allowances shall be disbursed on the certificate of the clerk of court in accordance with the procedure established by the Director... Attendance fees for extended service under subsection (b) of this section shall be certified by the clerk only upon the order of a district judge."

"(b)(1) A juror shall be paid an attendance fee of \$40 per day for actual attendance at the place of trial or hearing. A juror shall also be paid the attendance fee for the time necessarily occupied in going to and returning from such place at the beginning and end of such service or at anytime during such service."

"(2) A petit juror required to attend more than thirty days in hearing one case may be paid, in the discretion of the trial judge, an additional fee, not exceeding \$5 more than the attendance fee, for each day in excess of thirty days on which he is required to hear such case."

"(3) A grand juror required to attend more than forty-five days of actual service may be paid, in the discretion of the district judge in charge of the particular grand jury, an additional fee, not exceeding \$5 more than the attendance fee, for each day in excess of forty-five days of actual service."

"(4) A grand or petit juror required to attend more than ten days of actual service may be paid, in the discretion of the judge, the appropriate fees at the end of the first ten days and at the end of every ten days of service thereafter."

"(5) Certification of additional attendance fees may be ordered by the judge to be made effective commencing on the first day of extended service, without reference to the date of such certification."

"(c)(1) A travel allowance not to exceed the maximum rate per mile that the Director...has prescribed pursuant to section 604(a)(7) of this title for payment to supporting court personnel in travel status using privately owned automobiles shall be paid to each juror, regardless of the mode of transportation actually employed. The prescribed rate shall be paid for the distance necessarily traveled to and from a juror's residence by the shortest practical route in going to and returning from the place of service. Actual mileage in full at the prescribed rate is payable at the beginning and at the end of a juror's term of service."

"(2) The Director shall promulgate rules regulating interim travel allowances to jurors. Distances traveled to and from court should coincide with the shortest practical route."

"(3) Toll charges for toll roads, bridges, tunnels, and ferries shall be paid in full to the juror incurring such charges. In the discretion of the court, reasonable parking fees may be paid to the juror incurring such fees upon presentation of a valid parking receipt. Parking fees shall not be included in any tabulation of mileage cost allowances."

"(4) Any juror who travels to district court pursuant to summons in an area outside of the contiguous forty-eight States of the United States shall be paid the travel expenses provided under this section, or actual reasonable transportation expenses subject to the discretion of the district judge or clerk of court as circumstances indicate, exercising due regard for the mode of transportation, the availability of alternative modes, and the shortest practical route between residence and court."

"(d)(1) A subsistence allowance covering meals and lodging of jurors shall be established from time to time by the Director...pursuant to section 604(a)(7) of this title, except that such allowance shall not exceed the allowance for supporting court personnel in travel status in the same geographical area. Claims for such allowance shall not require itemization."

"(2) A subsistence allowance shall be paid to a juror when an overnight stay is required at the place of holding court, and for the time necessarily spent in traveling to and from the place of attendance if an overnight stay is required."

"(3) A subsistence allowance for jurors serving in district courts outside of the contiguous forty-eight States of the United States shall be allowed at a rate not to exceed that per diem allowance which is paid to supporting court personnel in travel status in those areas where the Director ...has prescribed an increased per diem fee pursuant to section 604(a)(7) of this title."

"(e) During any period in which a jury is ordered to be kept together and not to separate, the actual cost of subsistence shall be paid upon the order of the court in lieu of the subsistence allowances payable under subsection (d) of this section. Such allowance for the jurors ordered to be kept separate or sequestered shall include the cost of meals, lodging, and other expenditures ordered in the discretion of the court for their convenience and comfort."

"(f) A juror who must necessarily use public transportation in traveling to and from court, the full cost of which is not met by the transportation expenses allowable under subsection (c) of this section on account of the short distance traveled in miles, may be paid, in the discretion of the court, the actual reasonable expense of such public transportation, pursuant to the methods of payment provided by this section. Jurors who are required to remain at the court beyond the normal business closing hour for deliberation or for any other reason

may be transported to their homes, or to temporary lodgings where such lodgings are ordered by the court, in a manner directed by the clerk and paid from funds authorized under this section."

"(g) The Director...shall promulgate such regulations as may be necessary to carry out his authority under this section."

"(5) A grand juror who travels to district court pursuant to a summons may be paid the travel expenses provided under this section or, under guidelines established by the Judicial Conference, the actual reasonable costs of travel by aircraft when travel by other means is not feasible and when certified by the chief judge of the district court in which the grand juror serves."

28 U.S.C. 1876 "(a) In any civil action in the Court of International Trade which is to be tried before a jury, the jury shall be selected in accordance with the provisions of this chapter and under the procedures set forth in the jury selection plan of the district court for the judicial district in which the case is to be tried."

"(b) Whenever the Court of International Trade conducts a jury trial--"

"(1) the clerk of the district court for the judicial district in which the Court of International Trade is sitting, or an authorized deputy clerk, shall act as clerk of the Court of International Trade for the purposes of selecting and summoning the jury;"

"(2) the qualifications for jurors shall be the same as those established by section 1865(b) of this title for jurors in the district courts of the United States;"

"(3) each party shall be entitled to challenge jurors in accordance with section 1870 of this title;" and

"(4) jurors shall be compensated in accordance with section 1871 of this title."

compensation of jury commissioners, as authorized by 28 U.S.C. 1863;

28 U.S.C. 1863 "(a) Each...District Court shall devise and place into operation a written plan for random selection of grand and petit jurors..."

"(b) Among other things, such plan shall - (1) either establish a jury commission, or authorize the clerk of the court, to manage the jury selection process.

If the plan establishes a jury commission, the district court shall appoint one citizen to serve with the clerk of the court as the jury commission: Provided, however, That the plan for the District of Columbia may establish a jury commission consisting of three citizens. The citizen jury commissioner shall not belong to the same political party as the clerk serving with him. The clerk or the jury commission, as the case may be, shall act under the supervision and control of the chief judge of the district court or such other judge of the district court as the plan may provide. Each jury commissioner shall, during his tenure in office, reside in the judicial district or division for which he is appointed. Each citizen jury commissioner shall receive compensation to be fixed by the district court plan at a rate not to

exceed <\$85.16> per day for each day necessarily employed in the performance of his duties, plus reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of such duties. The Judicial Conference...may establish standards for allowance of travel, subsistence, and other necessary expenses incurred by jury commissioners ..."

and compensation of commissioners appointed in condemnation cases pursuant to Rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h); \$, to remain available until expended; Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, U.S.C.

5 U.S.C. 3109 "(b) When authorized by an appropriation or other statute, the head of an agency may procure by contract the temporary (not in excess of 1 year) or intermittent services of experts or consultants..."

28 U.S.C. Appendix, Rule 71A "(h) If the action involves the exercise of the power of eminent domain under the law of the United States, any tribunal specially constituted by an Act of Congress governing the case for the trial of the issue of just compensation shall be the tribunal for the determination of that issue; but if there is no such specially constituted tribunal any party may have a trial by jury of the issue of just compensation by filing a demand therefor with-in the time allowed for answer or within such further time as the court may fix, unless the court in its discretion orders that, because of the character, location, or quantity of the property to be condemned, or for other reasons in the interest of justice, the issue of compensation shall be determined by a commission of three persons appointed by it...Its action and report shall be determined by a majority and its findings and report shall have the effect, and be dealt with by the court in accordance with the practice, prescribed in paragraph (2) of subdivision (e) of Rule 53. Trial of all issues shall otherwise be by the court."

2 U.S.C. 905(g) See reference on page A-1.

**COURTS OF APPEALS, DISTRICT COURTS, AND
OTHER JUDICIAL SERVICES**

COURT SECURITY

SECTION H

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

COURT SECURITY

Fiscal Year 1992 Appropriation Language:

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities, as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (P.L. 100-702); \$, to be expended directly or transferred to the Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

Other Legal Citations:

2 U.S.C. 905(g) See reference on page A-1.

18 U.S.C. 111 "(a)(1) Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties shall be fined under this title or imprisoned not more than three years, or both."

18 U.S.C. 930 "(b) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon in a Federal facility, or attempts to do so, shall be fined under this title or imprisoned not more than five years, or both."

"(d)(1) Except as provided in paragraph (2), whoever knowingly possesses or causes to be present a firearm or other dangerous weapon in a Federal court facility, or attempts to do so, shall be fined under this title or imprisoned not more than 2 years, or both."

28 U.S.C. 565 "The Director is authorized to use funds appropriated for the Service to make payments for expenses incurred pursuant to personal services contracts and cooperative agreements, authorized by the Attorney General, for security guards and for the service of summons on complaints, subpoenas, and notices in lieu of services by.....marshals and deputy marshals."

28 U.S.C. 566 "(a) It is the primary role and mission of the...Marshals Service to provide for the security and to obey, execute, and enforce all orders of the...District Courts, the...Courts of Appeals and the Court of International Trade."

28 U.S.C. 569 "(a) The...marshal of each district is the marshal of the district court and of the court of appeals when sitting in his district, and of the Court of International Trade

holding sessions in his district and may, in the discretion of the respective courts, be required to attend any session of court."

28 U.S.C. 604 "(a)(22) Receive and expend, either directly or by transfer to the...Marshals Service or other Government agency, funds appropriated for the procurement, installation, and maintenance of security equipment and protective services for the...Courts and adjacent areas, including building ingress/egress control, inspection of packages, directed security patrols, and other similar activities."

40 U.S.C. 490(j) See reference on page C-5.

Public Law 99-335 See reference on page A-5.

Section 610 See reference on page C-6.

**ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS**

SALARIES AND EXPENSES

SECTION I

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

Fiscal Year 1992 Appropriation Language:

For necessary expenses of the Administrative Office of the United States Courts (AO) as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising, and rent in the District of Columbia and elsewhere, \$, of which not to exceed \$7,500 is authorized for official reception and representation expenses.

Other Legal Citations:

28 U.S.C. 476 "(a) The Director ... shall prepare a semiannual report, available to the public, that discloses for each judicial officer"

"(1) the number of motions that have been pending for more than six months and the name of each case in which such motion has been pending;"

"(2) the number of bench trials that have been submitted for more than six months and the name of each case in which such trials are under submission; and"

"(3) the number and names of cases that have not been terminated within three years after filing."

28 U.S.C. 481 "(a) The Director ... shall ensure that each ... district court has the automated capability readily to retrieve information about the status of each in such court."

"(b)(1) In carrying out subsection (a), the Director shall prescribe--"

(A) the information to be recorded in district court automated systems; and"

(B) standards for uniform categorization or characterization of judicial actions for the purpose of recording information on judicial actions in the district court automated systems."

28 U.S.C. 601 "The ... AO ... shall be maintained at the seat of government. It shall be supervised by a Director and a Deputy Director appointed and subject to removal by the Supreme Court."

28 U.S.C. 602 "(a) The Director shall appoint and fix the compensation of necessary employees of the ... AO ... in accordance with the Administrative Office of the United States Courts Personnel Act of 1990."

"(b) Notwithstanding any other law, the Director may appoint certified interpreters in accordance with section 604(a)(16) (B) of this title without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and General Schedule pay rates, but the compensation of any person appointed under this subsection shall not exceed the appropriate equivalent of the highest rate of pay payable for the highest grade established in the General Schedule, section 5332 of title 5."

"(c) The Director may obtain personal services as authorized by section 3109 of title 5, at rates not to exceed the appropriate equivalent of the highest rate of pay payable for the highest grade established in the General Schedule, section 5332 of title 5."

"(d) All functions of other officers and employees of the ... AO ... and all functions of organizational units of the ... AO ... are vested in the Director. The Director may delegate any of the Director's functions, powers, duties, and authority (except the authority to promulgate rules and regulations) to such officers and employees of the judicial branch ... as the Director may designate, and subject to such terms and conditions as the Director may consider appropriate; and may authorize the successive redelegation of such functions, powers, duties, and authority as the Director may deem desirable. All official acts performed by such officers and employees shall have the same force and effect as though performed by the Director in person."

28 U.S.C. 603 "The salary of the Director shall be the same as the salary of a district judge. Notwithstanding any other provision of law, the Director shall not be deemed to be an 'employee' for the purpose of subchapter I of chapter 63 of title 5. The salary of the Deputy Director shall be 92 percent of the salary of the Director."

28 U.S.C. 604 Duties of Director generally:

"(a) The Director shall be the administrative officer of the courts, and under the supervision and direction of the Judicial Conference ... shall:"

"(1) Supervise all administrative matters relating to the offices of clerks and other clerical and administrative personnel of the courts;"

"(2) Examine the state of the dockets of the courts, secure information as to the courts' need of assistance; prepare and transmit semi-annually to the chief judges of the circuits, statistical data and reports as to the business of the courts;"

"(3) Submit to the annual meeting of the Judicial Conference ... at least two weeks prior thereto, a report of the activities of the ... AO ... and the state of the business of the courts, together with the statistical data submitted to the chief judges of the circuits under paragraph (a)(2) of this section, and the Director's recommendations, which report, data and recommendations shall be public documents;"

"(4) Submit to Congress and the Attorney General copies of the report, data and recommendations required by paragraph (a)(3) of this section;"

"(5) Fix the compensation of clerks of court, deputies, librarians, criers, messengers, law clerks, secretaries, stenographers, clerical assistants, and other employees of the courts whose compensation is not otherwise fixed by law;"

"(6) Determine and pay necessary office expenses of courts, judges, and those court officials whose expenses are by law allowable, and the lawful fees of United States magistrates;"

"(7) Regulate and pay annuities to widows and surviving dependent children of justices and judges ... bankruptcy judges ... magistrates, Directors of the ... FJC ... and Directors of the ... AO ... and necessary travel and subsistence expenses incurred by judges, court officers and employees, and officers and employees of the ... AO ... and the ... FJC ... while absent from their official stations on official business; without regard to the per diem allowances and amounts for reimbursement of actual and necessary expenses established by the Administrator ... under section 5702 of title 5: Provided, That the reimbursement of subsistence expenses may not exceed that authorized by the Director for judges ... under section 456 of this title;"

"(8) Disburse, directly or through the several ... marshals, moneys appropriated for the maintenance and operation of the courts;"

"(9) Establish pretrial services agencies pursuant to section 3152 ... [18 U.S.C.] ... ;"

"(10)(A) Purchase, exchange, transfer, distribute, and assign the custody of lawbooks, equipment, supplies, and other personal property for the judicial branch ... (except the Supreme Court unless otherwise provided pursuant to paragraph (17)); (B) provide or make available readily to each court appropriate equipment for the interpretation of proceedings in accordance with section 1828 of this title; and (C) enter into and perform contracts and other transactions upon such terms as the Director may deem appropriate as may be necessary to the conduct of the work of the judicial branch ... (except the Supreme Court unless otherwise provided pursuant to paragraph (17)), and contract for nonpersonal services for pretrial services agencies, for the interpretation of proceedings, and for the provision of special interpretation services pursuant to section 1828 of this title may be awarded without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5);"

"(11) Audit vouchers and accounts of the courts, the ... FJC ... the pretrial services agencies, and their clerical and administrative personnel;"

"(12) Provide accommodations for the courts, the ... FJC ... the offices providing pretrial services and their clerical and administrative personnel;"

"(13) Lay before Congress, annually, statistical tables that will accurately reflect the business transacted by the several bankruptcy courts, and all other pertinent data relating to such courts;"

"(14) Pursuant to section 1827 of this title, establish a program for the certification and utilization of interpreters in courts ... ;"

"(15) Pursuant to section 1828 of this title, establish a program for the provision of special interpretation services in courts ... ;"

"(16)(A) In those districts where the Director considers it advisable based on the need for interpreters, authorize the full-time or part-time employment by the court of certified interpreters; (B) where the Director considers it advisable based on the need for interpreters, appoint certified interpreters on a full-time or part-time basis, for services in various courts when he determines that such appointments will result in the economic provision of interpretation services; and (C) pay out of moneys appropriated for the judiciary interpreters' salaries, fees, and expenses, and other costs which may accrue in accordance with the provisions of sections 1827 and 1828 of this title; "

"(17) In the Director's discretion, (A) accept and utilize voluntary and uncompensated (gratuitous) services, including services as authorized by ... [5 U.S.C. 3102(b) ... and (B) accept, hold, administer, and utilize gifts and bequests of personal property for the purpose of aiding or facilitating the work of the judicial branch ... but gifts or bequests of money shall be covered into the Treasury;"

"(18) Establish procedures and mechanisms within the judicial branch for processing fines, restitution, forfeitures of bail bonds or collateral, and assessments;"

"(19) Regulate and pay annuities to bankruptcy judges and ... magistrates in accordance with section 377 of this title and paragraphs (1)(B) and (2) of section 2(c) of the Retirement and Survivors' Annuities for Bankruptcy Judges and Magistrates Act of 1988;"

"(20) Periodically compile--"

"(A) the rules which are prescribed under section 2071 of this title by courts other than the Supreme Court;"

"(B) the rules which are prescribed under section 372(c)(11) of this title; and"

"(C) the orders which are required to be publicly available under section 372(c)(15) of this title; so as to provide a current record of such rules and orders;"

"(21) Establish a program of incentive awards for employees of the judicial branch ... other than any judge who is entitled to hold office during good behavior;"

"(22) Receive and expend, either directly or by transfer to the ... Marshals Service or other Government agency, funds appropriated for the procurement, installation, and maintenance of security equipment and protective services for the ... Courts in courtrooms and adjacent areas, including building ingress/egress control, inspection of packages, directed security patrols, and other similar activities;"

"(24) Perform such other duties as may be assigned to him by the Supreme Court or the Judicial Conference ... "

"(24)¹ Lay before Congress, annually, statistical tables that will accurately reflect the business imposed on the Federal courts by the savings and loan crisis."

"(b) The clerical and administrative personnel of the courts shall comply with all requests by the Director for information or statistical data as to the state of court dockets."

"(c) Inspection of court dockets outside the continental United States may be made through ... officials residing within the jurisdiction where the inspection is made."

"(d) The Director, under the supervision and direction of the conference, shall:"

"(1) supervise all administrative matters relating to the offices of the ... magistrates;"

"(2) gather, compile, and evaluate all statistical and other information required for the performance of his duties and the duties of the conference with respect to such officers;"

"(3) lay before Congress annually statistical tables and other information which will accurately reflect the business which has come before the various ... magistrates, including (A) the number of matters in which the parties consented to the exercise of jurisdiction by a magistrate, (B) the number of appeals taken pursuant to the decisions of magistrates and the disposition of such appeals, and (C) the professional background and qualifications of individuals appointed under section 631 of this title to serve as magistrate;"

"(4) prepare and distribute a manual, with annual supplements and periodic revisions, for the use of such officers, which shall set forth their powers and duties, describe all categories of proceedings that may arise before them, and contain such other information as may be required to enable them to discharge their powers and duties promptly, effectively, and impartially."

"(e) The Director may promulgate appropriate rules and regulations approved by the conference and not inconsistent with any provisions of law, to assist him in the performance of the duties conferred upon him by subsection (d) of this section. Magistrates shall keep such records and make such reports as are specified in such rules and regulations."

"(f) The Director may make, promulgate, issue, rescind, and amend rules and regulations (including regulations prescribing standards of conduct for ... AO ... employees) as may be necessary to carry out the Director's functions, powers, duties, and authority. The Director may publish in the Federal Register such rules, regulations, and notices for the judicial branch ... as the Director determines to be of public interest; and the Director of the Federal Register hereby is authorized to accept and shall publish such materials."

"(g)(1) When authorized to exchange personal property, the Director may exchange or sell similar items and may apply the exchange allowance or proceeds of sale in such cases in whole or in part payment for the property acquired, but any transaction carried out under the authority of this subsection shall be evidenced in writing."

"(2) The Director hereby is authorized to enter into contracts for public utility services and related terminal equipment for periods not exceeding ten years."

"(3)(A) In order to promote the recycling and reuse of recyclable materials, the Director may provide for the sale or disposal of recyclable scrap materials from paper products and other consumable office supplies held by an entity within the judicial branch.

"(B) The sale or disposal of recyclable materials under subparagraph (A) shall be consistent with the procedures provided in section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) for the sale of surplus property.

"(C) Proceeds from the sale of recyclable materials under subparagraph (A) shall be deposited as offsetting collections to the fund established under section 1931 of this title and shall remain available until expended to reimburse any appropriations for the operation and maintenance of the judicial branch."

"(h)(1) The Director shall, out of funds appropriated for the operation and maintenance of the courts, provide facilities and pay necessary expenses incurred by the judicial councils of the circuits and the Judicial Conference under section 372 of this title, including mileage allowance and witness fees, at the same rate as provided in section 1821 of this title. Administrative and professional assistance from the [AO] may be requested by each judicial council and the Judicial Conference for purposes of discharging their duties under section 372 of this title.

"(2) The Director ... shall include in his annual report filed with the Congress under this section a summary of the number of complaints filed with each judicial council under section 372(c) of this title, indicating the general nature of such complaints and the disposition of those complaints in which action has been taken."

28 U.S.C. 605 "The Director, under the supervision of the Judicial Conference ... shall submit to ... OMB ... annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the courts and the ... AO ... and the operation of the judicial survivors annuity fund, and such supplemental and deficiency estimates as may be required from time to time for the same purposes, according to law. The Director shall cause periodic examinations of the judicial survivors annuity fund to be made by an actuary, who may be an actuary employed by another department of the Government temporarily assigned for the purpose, and whose findings and recommendations shall be transmitted by the Director to the Judicial Conference. Such estimates shall be approved, before presentation to ... OMB ... by the Judicial Conference ... except that the estimate with respect to the Court of International Trade shall be approved by such court and the estimate with respect to the ... Court of Appeals for the Federal Circuit shall be approved by such court."

31 U.S.C. 1105 "(b) Estimated expenditures and proposed appropriations for the legislative branch and the judicial branch to be included in each budget under subsection (a)(5) of this section shall be submitted to the President before October 16 of each year and included in the budget by the President without change."

28 U.S.C. 606 "The Deputy Director shall perform the duties assigned to him by the Director, and shall act as Director during the absence or incapacity of the Director or when the Director's office is vacant."

28 U.S.C. 611 "(a) The Director may, by written election filed with the Chief Justice ... within six months after the date on which he takes office, waive coverage under chapter 83 of title 5, subchapter III (the Civil Service Retirement System) or chapter 84 of title 5, (the Federal Employees' Retirement System), whichever is applicable, and bring himself within the purview of this section. A Director who elects coverage under this section shall be deemed an 'employee' for purposes of chapter 84 of title 5, subchapter III, regardless of whether he has waived the coverage of chapter 83, subchapter III, or chapter 84. Waiver of coverage under chapter 83, subchapter III, and election of this section shall not operate to

foreclose to the Director, upon separation from service other than by retirement, such opportunity as the law may provide to secure retirement credit under chapter 83 for service as Director by depositing with interest the amount required by section 8334 of title 5. A Director who waives coverage under chapter 84 and elects this section may secure retirement credit under chapter 84 for service as Director by depositing with interest 1.3 percent of basic pay for service from January 1, 1984, through December 31, 1986, and the amount referred to in section 8422(a) of title 5, for service after December 31, 1986. Interest shall be computed under section 8334(e) of title 5."; and

"(b) Upon retirement of a Director who has elected coverage under this section and who has served at least fifteen years and attained the age of sixty-five years the ... AO ... shall pay him an annuity for life equal to 80 per centum of the salary of the office at the time of his retirement. Upon the retirement of a Director who has elected coverage under this section and who has served at least ten years, but who is not eligible to receive an annuity under the first paragraph of this subsection, the ... AO ... shall pay him an annuity for life equal to that portion of 80 per centum of the salary of the office at the time of his retirement that the number of years of his service bears to fifteen, reduced by one quarter of one per centum for each full month, if any, he is under the age of sixty-five at the time of separation from service."

"(c) A Director who has elected coverage under this section and who becomes permanently disabled to perform the duties of his office shall be retired and shall receive an annuity for life equal to 80 per centum of the salary of the office at the time of his retirement if he has served at least fifteen years, or equal to that proportion of 80 per centum of such salary that the aggregate number of years of his service bears to fifteen if he has served less than fifteen years, but in no event less than 50 per centum of such salary."

"(d) For the purpose of this section, "service" means service, whether or not continuous, as Director ... and any service, not to exceed five years, as a judge ... a Senator or Representative in Congress, or a civilian official appointed by the President, by and with the advice and consent of the Senate. Each annuity payable under this section shall be increased by the same percentage amount and effective on the same date as annuities payable under chapter 83 of title 5, are increased as provided by section 8340 of title 5."

28 U.S.C. 621 "(a)(3) The Director ... shall be a permanent member of the board of the ... FJC."

28 U.S.C. 628 " ... The ... AO ... shall provide accounting, disbursing, auditing, and other fiscal services for the ... FJC ... "

28 U.S.C. 634 "Disbursement of salaries of ... magistrates shall be made by or pursuant to the order of the Director ... "

28 U.S.C. 635(a) and (b) See reference on pages E-40 and E-41.

28 U.S.C. 638 "(a) The Director shall furnish to [magistrate judges] adequate docket books and forms prescribed by the Director. The Director shall also furnish to each such officer a copy of the current edition of the [U.S.C.]

"(b) All property furnished to any such officer shall remain the property of the United States and, upon the termination of his term of office, shall be transmitted to his successor in office or otherwise disposed of as the Director orders.

"(c) The Director shall furnish to each ... [magistrate judge] appointed under this chapter an official impression seal in a form prescribed by the conference. Each such officer shall affix his seal to every jurat or certificate of his official acts without fee."

12 U.S.C. 3421 "(a) In April of each year, the Director ... shall send to the appropriate committees of Congress a report concerning the number of applications for delays of notice made pursuant to section 3409 of this title and the number of customer challenges made pursuant to section 3410 of this title during the preceding calendar year. Such report shall include: the identity of the Government authority requesting a delay of notice; the number of notice delays sought and the number granted under each subparagraph of section 3409(a)(3) of this title; the number of notice delay extensions sought and the number granted; and the number of customer challenges made and the number that are successful."

18 U.S.C. 2519 "(3) In April of each year the Director ... shall transmit to the Congress a full and complete report concerning the number of applications for orders authorizing or approving the interception of wire, oral, or electronic communications pursuant to this chapter and the number of orders and extensions granted or denied pursuant to this chapter during the preceding calendar year. Such report shall include a summary and analysis of the data required to be filed with the ... AO ... by subsections (1) and (2) of this section. The Director ... is authorized to issue binding regulations dealing with the content and form of the reports required to be filed by subsections (1) and (2) of this section."

28 U.S.C. 2412 "(d)(5) The Attorney General shall report annually to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information which may aid the Congress in evaluating the scope and impact of such awards."

2 D.C.C. 2226 "(b) The Board of Trustees of the District of Columbia Public Defender Service shall annually arrange for an independent audit to be prepared by a certified public accountant or by a designee of the AO.

2 D.C.C. 2227 Funds appropriated for the District of Columbia Public Defender Service out of any monies in the Treasury to the credit of the District of Columbia, shall be disbursed by the AO. The AO in disbursing and accounting for such funds shall follow, so far as possible, its standard fiscal practices.

Public Law 100-702, the Court Interpreter Amendments Act of 1988 Provides authority for the Director to establish a program to facilitate the use of certified and otherwise qualified interpreters in judicial proceedings instituted by the government. Provides for certification and for the use of other than certified interpreters. Calls for the establishment of lists, for sound recordings, for the authorization of appropriations and the payment for services of interpreters. Gives the presiding judicial officer authority to approve compensation and expenses of interpreters and defines "presiding judicial officer". Simultaneous interpretation is provided when, on the motion of the presiding judicial officer, or the motion of a party,

such officer determines that the provision of such services will aid in the efficient administration of justice.

Public Law 100-702, Title IX--Arbitration, Sec 651 "(a) the use of arbitration in any civil action ... may refer any such action to arbitration"

"652 (a)(1) (A) allow the referral to arbitration of any civil action including any adversary proceeding in bankruptcy) pending before it if the parties consent to arbitration, and"

"(B) require the referral to arbitration of any civil action pending before it if the relief sought consists only of money damages not in excess of \$100,000 or such lesser amount as the district court may set, exclusive of interests and costs."

903(a)-Reports "Annual Report by Director ... --The Director ... shall include in the annual report of the activities of the Administrative Office required under section 604(a)(3), statistical information about the implementation of chapter 44, as added by section 901 of this Act."

28 U.S.C. 1828 "(a) The Director ... shall establish a program for the provision of special interpretation services in criminal actions and in civil actions initiated by the United States (including petitions for writs of habeas corpus initiated in the name of the United States by relators) in a ... district court. The program shall provide a capacity for simultaneous interpretation services in multidefendant criminal actions and multidefendant civil actions."

"(b) Upon the request of any person in any action for which special interpretation services established pursuant to subsection (a) are not otherwise provided, the Director, with the approval of the presiding judicial officer, may make such services available to the person requesting the services on a reimbursable basis at rates established in conformity with section 9701 of title 31, but the Director may require the prepayment of the estimated expenses of providing the services by the person requesting them."

"(c) Except as otherwise provided in this subsection, the expenses incident to providing services under subsection (a) of this section shall be paid by the Director from sums appropriated to the ... judiciary. A presiding judicial officer, in such officer's discretion, may order that all or part of the expenses shall be apportioned between or among the parties or shall be taxed as costs in a civil action, and any moneys collected as a result of such order may be used to reimburse the appropriations obligated and disbursed in payment for such services."

"(d) Appropriations available to the Director shall be available to provide services in accordance with subsection (b) of this section, and moneys collected by the Director under that subsection may be used to reimburse the appropriations charged for such services. A presiding judicial officer, in such officer's discretion, may order that all or part of the expenses shall be apportioned between or among the parties or shall be taxed as costs in the action."

28 U.S.C. 463 See reference on page A-2.

28 U.S.C. 995 "(b) The Sentencing Commission is authorized to use the existing resources of the AO with respect to certain of its activities.

40 U.S.C. 490(j) See reference on page C-6.

Rule 83 See reference on page E-54.

2 U.S.C. 901 "(a)(2) and (b) The Directors of OMB and the CBO jointly shall report to the Comptroller General and based on the OMB-CBO report, the Comptroller General shall report to the President and Congress specifying the amounts and percentages by which such budget accounts must be reduced during a fiscal year in order to eliminate excess deficits and containing the estimates, determinations, and specifications for all of the items contained in the report submitted by the Directors.

2 U.S.C. 902 Following the submission of the report by the Comptroller General under section 251(b), the President issues an initial order that modifies or suspends the operation of each provision of law that would require an automatic spending increase to take effect during such fiscal year and eliminate the remainder of such deficit excess by sequestering new budget authority, unobligated balances, etc. The President shall issue a final order based on the submission of the Comptroller General's revised report.

2 U.S.C. 903 The Comptroller General shall submit to the Congress and the President a report on the extent to which the President's order issued under section 252(b) for such fiscal year complies with all of the requirements contained in section 252.

2 U.S.C. 905(g) See reference on page A-1.

Public Law 99-554. Bankruptcy Judges, United States Trustees, and Family Farmer
Bankruptcy Act of 1986
Section 304. Administrative Provisions

"(a) The Attorney General and the Director ... may enter into agreements under which ... trustees may--"

"(1) use--

(A) the services, equipment, personnel, records, reports, and data compilations, in any form, of the courts ... and

(B) the facilities of such courts, and"

"(2) cooperate in the use by the courts ... of--

(A) the services, equipment, personnel, records, reports, and data compilations, in any form, of ... trustees, and

(B) the facilities of such trustees, to prevent duplication during the 2-year period beginning on the effective date of this Act."

"(b) The Director ... shall make available to ... trustees, at the request of the Attorney General and on a continuing basis, all records, reports, and data compilations relating to--"

"(1) cases and proceedings under ... [11 U.S.C.] ... and"

"(2) the duties of ... trustees under ... [11 and 28 U.S.C.] ... "

Section 310. Electronic Case Management Demonstration Project

"(a) Not later than 1 year after the effective date of this Act, the Director of the Executive Office for ... Trustees, in consultation with the Director ... shall establish an electronic case management demonstration project to be carried out in 3 Federal judicial districts that have a sufficiently large and varied bankruptcy caseload so as to provide a meaningful evaluation of the cost and effectiveness of such system."

Public Law 99-335 See reference on page A-5.

Section 610 See reference on page C-6.

Public Law 101-474 Administrative Office of the United States Courts Personnel Act of 1990.

Section 2 General Personnel Authority The Director ... (hereinafter in this Act referred to as the "Director") may appoint, fix the compensation of, assign, and direct such personnel as the Director determines necessary to discharge the duties and functions of the Administrative Office.

Section 3 Establishment of Personnel Management System (a) The Director shall, by regulation, establish a personnel management system for the Administrative Office which provides for the appointment, pay, promotion, and assignment of all employees on the basis of merit, but without regard to the provisions of title 5, United States Code, governing appointments and other personnel actions in the competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates. The system shall apply to all Administrative Office employees except those referred to in section 603 of title 28, United States Code, and shall, at a minimum--

"(1) provide for a schedule of pay rates applicable to all employees; except as provided in paragraph (10), the basic pay of any person appointed under this section shall not exceed the rate of basic pay for level V of the Executive Schedule;

"(2) incorporate pay comparability principles as set forth in section 5301(a) of title 5, United States Code;

"(3) provide for the adjustment of the pay of employees at the same time and in the same percentage amount as rates of basic pay are adjusted for General Schedule and prevailing rate employees, as appropriate;

"(4) establish procedures for employee evaluations, the granting of periodic pay adjustments, incentive awards, and resolution of employee grievances;

"(5) establish procedures for disciplinary actions, including reduction in grade or pay, suspension, and removal, based on unacceptable performance or misconduct, except that--

"(A) such procedures shall be consistent with--

"(i) section 4303 of title 5, United States Code, to the extent that they relate to adverse actions based on unacceptable performance; and

"(ii) chapter 75 of title 5, United States Code, to the extent that they relate to adverse actions covered by such chapter; and

"(B) the Director may exempt from these procedures positions of a confidential or policy-determining character, not to exceed 4 percent of the authorized positions of the Administrative Office;

"(6) establish procedures for premium pay (including overtime), except that the Director may at his discretion implement flexible and compressed work schedules and may exempt the hours constituting such schedules from premium pay to the extent he deems necessary to implement such schedules;

"(7) include the principles set forth in section 2301(b) of title 5, United States Code;

"(8) prohibit personnel practices prohibited under section 2303(b) of title 5, United States Code;

"(9) prohibit discrimination on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicapping condition; the Director must promulgate regulations providing procedures for resolving complaints of discrimination by employees and applicants for employment;

"(10) provide for the basic pay of not more than 5 percent of the authorized positions of the Administrative Office (excluding the positions referred to in section 603 of title 28, United States Code) to be set at rates not to exceed the rate of basic pay for positions at level IV of the Executive Schedule; the aggregate pay (including basic pay and incentive awards) of any individual whose basic pay is set under this subsection may not exceed the salary of the Director; and

"(11) in the case of any individual who would be a preference eligible in the executive branch, provide preference for that individual in a manner and to an extent consistent with preference accorded to preference eligibles in the executive branch.

"(b) The Director may apply the provisions of sections 5723 and 6304(f) of title 5, United States Code, to the positions referred to in subsection (a)(10) and in section 603 of title 28, United States Code, including the Deputy Director.

"(c) The Director may provide for incentive awards for the positions referred to in section 603 of title 28, United States Code, including the Deputy Director, subject to the aggregate pay limitation in subsection (a)(10).

"(d) The Chief Justice of the United States or the Judicial Conference of the United States may grant incentive awards to the Director, except that the Director's aggregate pay for any fiscal year, including salary and incentive awards, may not exceed the salary of a ... circuit judge. The Chief Justice or the Judicial Conference may authorize application of section 5723 of title 5, United States Code, to the Director.

"(e) The Director may develop and conduct programs to meet the short- and long-range training needs of the agency.

"(f) Notwithstanding any other provision of law, an individual who is an employee of the Administrative Office on the day before the effective date of this section and who, as of that day, was entitled to--

"(1) appeal a reduction in grade or removal to the Merit Systems Protection Board under chapter 43 of title 5, United States Code,

"(2) appeal an adverse action to the Merit Systems Protection Board under chapter 75 of title 5, United States Code, or

"(3) file an appeal with the Equal Employment Opportunity Commission under part 1613 of title 29 of the Code of Federal Regulations, shall continue to be entitled to file such appeal so long as the individual remains an employee of the Administrative Office, except that this provision shall not apply to employees in positions referred to in section 603 of title 28, United States Code, or in positions of a confidential or policy-determining character referred to in subsection (a)(10).

"(g) Nothing in this Act shall be construed to abolish or diminish any right or remedy granted to employees of or applicants for employment in the Administrative Office by any law prohibiting discrimination in Federal employment on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicapping condition, except that, with respect to any such employees and applicants for employment, any authority granted under any such law to the Equal Employment Opportunity Commission, the Office of Personnel Management, the Merit Systems Protection Board, or any other agency in the executive branch, shall be exercised by the Administrative Office.

Section 4 Noncompetitive Appointments

"(a) Notwithstanding any other provision of law, any employee of the Administrative Office who has completed at least 1 year of continuous service under a nontemporary appointment under the personnel system established pursuant to section 3 acquires a competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications.

"(b) A period of continuous service performed as a nontemporary employee of the Administrative Office immediately before the personnel system under section 3 takes effect

shall, for purposes of subsection (a), be treated as if it had been performed under such system.

FEDERAL JUDICIAL CENTER
SALARIES AND EXPENSES

SECTION J

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

Fiscal Year 1992 Appropriation Language:

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$ _____, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

Other Legal Citations:

18 U.S.C. 3169 "The Federal Judicial Center (FJC) shall advise and consult with the planning groups and the district courts in connection with their duties under this chapter." (Speedy Trial Act of 1974)

18 U.S.C. 4351 "The Director of the (FJC) shall serve as an ex officio member of the Advisory Board for the National Institute of Corrections."

28 U.S.C. 620 "(a) There is established within the judicial branch of the Government a ... FJC ... whose purpose it shall be to further the development and adoption of improved judicial administration in the courts ... "

"(b) The Center shall have the following functions:"

"(1) to conduct research and study of the operation of the courts ... and to stimulate and coordinate such research and study on the part of other public and private persons and agencies;"

"(2) to develop and present for consideration by the Judicial Conference ... recommendations for improvement of the administration and management of the courts ... ;"

"(3) to stimulate, create, develop, and conduct programs of continuing education and training for personnel of the judicial branch ... and other persons whose participation in such programs would improve the operation of the judicial branch, including, but not limited to, judges ... magistrates, clerks of court, probation officers, and persons serving as mediators and arbitrators;"

"(4) insofar as may be consistent with the performance of the other functions set forth in this section, to provide staff, research, and planning assistance to the Judicial Conference ... and its committees,"

"(5) insofar as may be consistent with the performance of the other functions set forth in this section, to cooperate with the State Justice Institute in the establishment and coordination of research and programs concerning the administration of justice;" and

"(6) insofar as may be consistent with the performance of the other functions set forth in this section, to cooperate with and assist agencies of the Federal Government and other appropriate organizations in providing information and advice to further improvement in the administration of justice in the courts of foreign countries and to acquire information about judicial administration in foreign countries that may contribute to performing the other functions set forth in this section."

28 U.S.C. 621 "(a) The activities of the Center shall be supervised by a Board to be composed of -"

"(1) the Chief Justice ... who shall be the permanent Chairman of the Board;"

"(2) two active judges of the courts of appeals ... three active judges of the district courts ... one active judge of the bankruptcy courts ... elected by vote of the members of the Judicial Conference...: Provided, however, That the judges so elected shall not be members of the Judicial Conference..." and

"(3) the Director..., who shall be a permanent member of the Board."

"(b) The term of office of each elected member of the Board shall be four years. A member elected to serve for an unexpired term arising by virtue of the death, disability, retirement, or resignation of a member shall be elected only for such unexpired term."

"(c) No member elected for a four-year term shall be eligible for reelection to the Board."

"(d) Members of the Board shall serve without additional compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties."

28 U.S.C. 622 "(a) Regular meetings of the Board shall be held quarterly. Special meetings shall be held from time to time upon the call of the Chairman, acting at his own discretion or pursuant to the petition of any four members."

"(b) Each member of the Board shall be entitled to one vote. A simple majority of the membership shall constitute a quorum for the conduct of business. The Board shall act upon the concurrence of a simple majority of the members present and voting."

28 U.S.C. 623 "(a) In its direction and supervision of the activities of the ... (FJC) ... the Board shall -"

"(1) establish such policies and develop such programs for the ... (FJC) ... as will further achievement of its purpose and performance of its functions;"

"(2) formulate recommendations for improvements in the administration of the courts ... in the training of the personnel of those courts, and in the management of their resources;"

"(3) submit to the Judicial Conference ... at least one month in advance of its annual meeting, a report of the activities of the Center and such recommendations as the Board may propose for the consideration of the Conference;"

"(4) present to other government departments, agencies, and instrumentalities whose programs or activities relate to the administration of justice in the courts ... the recommendations of the Center for the improvement of such programs or activities;"

"(5) study and determine ways in which automatic data processing and systems procedures may be applied to the administration of the courts ... and include in the annual report required by paragraph (3) of this subsection details of the results of the studies and determinations made pursuant to this paragraph;"

"(6) consider and recommend to both public and private agencies aspects of the operation of the courts ... deemed worthy of special study;" and

"(b) The board shall transmit to Congress and to the Attorney General ... copies of all reports and recommendations submitted to the Judicial Conference ... The Board shall also keep the Committees on the Judiciary of the ... Senate and House of Representatives fully and currently informed with respect to the activities of the Center."

"(7) conduct, coordinate, and encourage programs relating to the history of the judicial branch ... "

28 U.S.C. 624 "The Board is authorized -"

"(1) to appoint and fix the duties of the Director and the Deputy Director of the ... FJC ... who shall serve at the pleasure of the Board;"

"(2) to request from any department, agency, or independent instrumentality of the Government any information it deems necessary to the performance of the functions of ... set forth in this chapter, and each such department, agency, or instrumentality is directed to cooperate with the Board and, to the extent permitted by law, to furnish such information to the Center upon request of the Chairman or upon request of the Director when the Board has delegated this authority to him;"

"(3) to contract with and compensate government and private agencies or persons for research projects and other services, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), and to delegate such contract authority to the Director ... FJC ... who is hereby empowered to exercise such delegated authority."

28 U.S.C. 625 "(a) The Director shall supervise the activities of persons employed by the Center and perform other duties assigned to him by the Board."

"(b) The Director shall appoint and fix the compensation of such additional professional personnel as the Board may deem necessary, without regard to the provisions of title 5, United States Code, governing appointments in competitive service, or the provision of U.S.C. chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates: Provided, however, That the compensation of any person appointed under this subsection shall not exceed the annual rate of basic pay of level V of the Executive Schedule pay rates, section 5316 ... [5 U.S.C. ... And provided further, That the salary of a reemployed annuitant under the Civil Service Retirement Act shall be adjusted pursuant to the provisions of section 8344 ... [5 U.S.C.] ... "

"(c) The Director shall appoint and fix the compensation of such secretarial and clerical personnel as he may deem necessary, subject to the provisions of ... [5 U.S.C.] ... governing appointments in competitive service without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates."

"(d) The Director may procure personal services as authorized by section 3109 of ... [5 U.S.C.] ... at rates not to exceed the daily equivalent of the highest rate payable under General Schedule pay rates, section 5332 ... [5 ... U.S.C.] ... "

"(e) The Director is authorized to incur necessary travel and other miscellaneous expenses incident to the operation of the Center."

28 U.S.C. 626 "The compensation of the Director ... shall be the same as that of the Director ... AO ... and his appointment and salary shall not be subject to the provisions of ... [5 U.S.C.] ... governing appointments in competitive service, or the provisions of Chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates: Provided, however, That any Director who is a justice or judge ... in active or retired status shall serve without additional compensation. The compensation of the Deputy Director of ... FJC ... shall be the same as that of the Deputy Director ... AO ... "

28 U.S.C. 627 "(a) A Director of ... FJC ... who attains the age of seventy years shall be retired from that office."

"(b) The Director, the professional staff, and the clerical and secretarial employees of ... FJC ... shall be deemed to be officers and employees of the judicial branch ... within the meaning of subchapter III of chapter 83 (relating to civil service retirement), chapter 87 (relating to Federal employees' life insurance program), and chapter 89 (relating to Federal employees' health benefits program) ... [5 U.S.C.] ... : Provided, however, That the Director, upon written notice filed with the Director ... AO ... within six months after the date on which he takes office, may waive coverage under subchapter III of chapter 83 ... [5 U.S.C.] ... (relating to civil service retirement), and elect coverage under the retirement and disability provisions of this section: And provided further, That upon his non-retirement separation from the ... FJC ... such waiver and election shall not operate to foreclose to the Director such opportunity as the law may provide to secure civil service retirement credit for service as Director by depositing with interest the amount required by section 8334 ... [5 U.S.C.] ... "

"(c) Upon the retirement of a Director who has elected coverage under this section and who has served at least fifteen years and attained the age of sixty-five years the Director ... AO ... shall pay him an annuity for life equal to 80 per centum of the salary of the office at the time of his retirement.

Upon the retirement of a Director who has elected coverage under this section and who has served at least ten years, but who is not eligible to receive an annuity under the first paragraph of this subsection, the ... AO ... shall pay him an annuity for life equal to that proportion of 80 per centum of the salary of the office at the time of his retirement that the number of years of his service bears to fifteen, reduced by one quarter of 1 per centum for

each full month, if any, he is under the age of sixty-five at the time of separation from service."

"(d) A Director who has elected coverage under this section and who becomes permanently disabled to perform the duties of his office shall be retired and shall receive an annuity for life equal to 80 per centum of the salary of the office at the time of his retirement if he has served at least fifteen years, or equal to that proportion of 80 per centum of such salary that the aggregate number of years of his service bears to fifteen if he has served less than fifteen years, but in no event less than 50 per centum of such salary."

"(e) For the purpose of this section, 'service' means service, whether or not continuous, as Director ... FJC ... and any service, not to exceed five years, as a judge ... a Senator or Representative in Congress, or a civilian official appointed by the President, by and with the advice and consent of the Senate."

28 U.S.C. 628 "There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter. The ... AO ... shall provide accounting, disbursing, auditing, and other fiscal services for ... FJC ... "

28 U.S.C. 629 "(a) The establishment of an FJC Foundation, a private nonprofit corporation, whose purpose is to accept and receive gifts of real and personal property and services for the purpose of aiding or facilitating the work of FJC. Although the seven members of the Foundation will serve without compensation, they may be reimbursed actual and necessary expenses, as approved by the Director of the Center.

28 U.S.C. 637 "The ... FJC ... shall conduct periodic training programs and seminars for both full-time and part-time ... magistrates, including an introductory training program for new magistrates, to be held within one year after initial appointment."

40 U.S.C. 490(j) See reference on page C-5.

2 U.S.C. 905(g) See reference on page A-1.

Public Law 99-335 See reference on page A-5.

Public Law 100-702, 903(b) will require FJC to submit a report to Congress not later than five years after the enactment of this legislation, on the implementation of Chapter 44 ... [28 U.S.C.] ... on arbitration authorizations by district courts. The report will include: (1) a description of arbitration programs, (2) a determination of the level of satisfaction with such programs, (3) a summary of program features identified as being related to the program's acceptance, both within and across judicial districts, (4) a description of levels of satisfaction relative to the cost per hearing of each program, and (5) recommendations to Congress, as to whether or not (a) to terminate or continue the arbitration programs and (b) whether or not such arbitration programs should be authorized in all district courts.

Section 610 See reference on page C-6.

Public Law 101-650 12-1-90 The Judicial Improvements Act of 1990.

28 U.S.C. 477 "(a)(2) The Director of the Center may make recommendations to the Judicial Conference regarding the development by the Conference of any model civil justice expense and delay reduction plan.

28 U.S.C. 479 "(a) The Director of the Center may make recommendations to the Judicial Conference regarding the comprehensive report to be prepared by the Conference on the civil justice expense and delay reduction plans developed by district courts, the report to be completed within four years after the date of enactment.

"(c)(1),(3) The Director of the Center may make recommendations to the Judicial Conference regarding the preparation of and any subsequent revisions by the Judicial Conference to the *Manual for Litigation Management and Cost and Delay Reduction*.

28 U.S.C. 480 The Director of the Center is charged with developing and conducting "comprehensive education and training programs" for judges and judicial support personnel relating to litigation management and other techniques for reducing litigation costs and delay.

Section 104 "(c) The Director of the Center is to consult with the Judicial Conference in connection with its study of district court experimentation with differentiated case management, alternative dispute resolution and other methods of cost and delay reduction. The Conference must submit its report on the "demonstration program" to the House and Senate Judiciary Committees by December 31, 1995.

Section 302 "(a),(b) The Center's Board is requested to conduct a study on intercourt conflicts and submit a report to Congress by January 1, 1992.

"(c) The Center's Board is requested to study "structural alternatives" for the U.S. Courts of Appeals and submit a report to Congress and the Judicial Conference no later than two years and nine months after the date of enactment.

28 U.S.C. 133 "(b)(1) Provides for the appointment by the President of an additional judge whenever an active judge assumes the duties of Director of the Federal Judicial Center.

BICENTENNIAL ACTIVITIES, THE JUDICIARY

SECTION K

BICENTENNIAL EXPENSES. THE JUDICIARY**BICENTENNIAL ACTIVITIES**

For expenses to be incurred by the Judiciary for the observance of the Bicentennial of the Constitution of the United States, \$, to remain available until expended. Funds appropriated under this heading in The Judiciary Appropriation Act, 1976, shall also be available for this purpose.

28 U.S.C. 605 See reference on page I-6.

PAYMENTS TO JUDICIARY TRUST FUNDS

SECTION L

PAYMENT TO JUDICIARY TRUST FUNDS

Fiscal Year 1992 Appropriations Language

For payment to the Judicial Officers' Retirement Fund as authorized by 28 U.S.C. Sec. 377(o), to the Judicial Survivors Annuities Fund, as authorized by 28 U.S.C. sec. 376(c), \$, and to the Claims Court Judges Retirement Fund, as authorized by 28 U.S.C. sec 178(1), \$.

Other Legal Citations:

Judicial Officers' Retirement Fund

28 U.S.C. 377 "(a) Retirement based on years of service.- A bankruptcy judge or magistrate to whom this section applies and who retires from office after attaining the age of 65 years and serving at least 14 years, whether continuously or otherwise, as such bankruptcy judge or magistrate shall, subject to subsection (f), be entitled to receive, during the remainder of the judge's or magistrate's lifetime, an annuity equal to the salary being received at the time the judge or magistrate leaves office."

"(c) Service of at least 8 years.- A bankruptcy judge or magistrate to whom this section applies and who retires after serving at least 8 years, whether continuously or otherwise, as such a bankruptcy judge or magistrate, shall, subject to subsection (f), be entitled to receive, upon attaining the age of 65 years and during the remainder of the judge's or magistrate's lifetime, an annuity equal to that portion of the salary being received at the time the judge or magistrate leaves office which the aggregate number of years service, not to exceed 14, bears to 14. Such annuity shall be reduced by 1/6 of 1 percent for each full month such bankruptcy judge or magistrate was under the age of 65 at the time the judge or magistrate left office, except that such reduction shall not exceed 20 percent.

"(d) Retirement for disability. - A bankruptcy judge or magistrate to whom this section applies, who has served at least 5 years, whether continuously or otherwise, as such a bankruptcy judge or magistrate, and who retires or is removed from office upon the sole ground of mental or physical disability shall, subject to subsection (f), be entitled to receive, during the remainder of judge's or magistrate's lifetime, an annuity equal to 40 percent of the salary being received at the time of retirement or removal or, in the case of a judge or magistrate who has served for at least 10 years, an amount equal to that proportion of the salary being received at the time of retirement or removal which the aggregate number of years of service, not to exceed 14, bears to 14.

"(e) Cost-of-living adjustments. - A bankruptcy judge or magistrate who is entitled to an annuity under this section is also entitled to a cost-of-living adjustment in such annuity, calculated and payable in the same manner as adjustments under section 8340(b) of title 5, except that any such annuity, as increased under this subsection, may not exceed the salary then payable for the position from which the judge or magistrate retired or was removed."

"(f) Election: Annuity in lieu of other annuities. - A bankruptcy judge or magistrate who elects to receive an annuity under this section shall not be entitled to receive

(1) any annuity to which such judge or magistrate would otherwise have been entitled under subchapter III of chapter 83, or under chapter 84 (except for subchapters III and VII), of title 5, for service performed as such a judge or magistrate or otherwise;

(2) an annuity or salary in senior status or retirement under section 371 or 372 of this title;

(3) retired pay under section 7447 of the Internal Revenue Code of 1986; or

(4) retired pay under section 4096 of title 38.

"(g) Calculation of Service - (1) For purposes of calculating an annuity under this section -

(A) full-time service as a bankruptcy judge or magistrate to whom this section applies may be credited; and

(B) each month of service shall be credited as one-twelfth of a year, and the fractional part of any month shall not be credited."

"(j) Deductions, contributions, and deposits -

(1) Deductions. - Beginning with the next pay period after the Director ...receives a notice under subsection (f) that a bankruptcy judge or magistrate has elected an annuity under this section, the Director shall deduct and withhold 1 percent of the salary of such bankruptcy judge or magistrate.

"(k) Deposits for prior service.- Each bankruptcy judge or magistrate who makes an election under subsection (f) may deposit, for service performed before such election for which contributions may be made under this section, an amount equal to 1 percent of the salary received for that service. Credit for any period covered by that service may not be allowed for purposes of an annuity under this section until a deposit under this subsection has been made for that period."

"(m)(3) Accepting other employment - Any bankruptcy judge or magistrate who retires under this section and thereafter accepts compensation for civil office or employment under the United States Government (other than for the performance of functions as a bankruptcy judge or magistrate under section 155(b), 375, or 636(h) of this title) shall forfeit all rights to an annuity under this section for the period for which such compensation is received. For purposes of this paragraph, the term 'compensation' includes retired pay or salary received in retired status."

"(o) Judicial Officers' Retirement Fund. -

(1) Establishment - There is established in the Treasury a fund which shall be known as the 'Judicial Officers Retirement Fund'. The Fund is appropriated for the payment of annuities, refunds, and other payments under this section.

(2) **Investment of Fund.**- The Secretary of the Treasury shall invest, in interest bearing securities of the United States, such currently available portions of the Judicial Officers' Retirement Fund as are not immediately required for payments from the Fund. The income derived from these investments constitutes a part of the Fund.

(3) **Unfunded liability** - (A) There are authorized to be appropriated to the Judicial Officers' Retirement Fund amounts required to reduce to zero the unfunded liability of the Fund.

(B) For purposes of subparagraph (A), the term 'unfunded liability' means the estimated excess, determined on an annual basis in accordance with the provisions of section 9503 of title 31, of the present value of all benefits payable from the Judicial Officers' Retirement Fund over the sum of -

(i) the present value of deductions to be withheld under this section from the future basic pay of bankruptcy judges and magistrates; plus

(ii) the balance in the Fund as of the date the unfunded liability is determined. . . .

(C) There are authorized to be appropriated such sums as may be necessary to carry out this paragraph."

Judicial Survivors' Annuities Fund

28 U.S.C. 376 (a) "For the purposes of this section -

(1) 'judicial official' means:

(A) a Justice or judge ..., as defined by section 451 of this title;

(B) a judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands;

(C) a Director of the Administrative Office of the United States Courts, after he or she has filed a waiver under subsection (a) of section 611 of this title;

(D) a Director of the Federal Judicial Center, after he or she has filed a waiver under subsection (b) of section 627 of this title;

(E) an administrative assistant to the Chief Justice ..., after he or she has filed a waiver in accordance with both subsection (a) of section 677 and subsection (a) of section 611 of this title;

(F) a full-time bankruptcy judge or a full-time ... magistrate; or

(G) a judge of the ... Court of Federal Claims;

who notifies the Director of the Administrative Office of the United States Courts in writing of his or her intention to come within the purview of this section within six months after (i) the date upon which he or she takes office, (ii) the date upon which he or she marries, (iii) January 1, 1977, (iv) October 1, 1986, (v) the date of the enactment of the Retirement and Survivors'

Annuities for Bankruptcy Judges and Magistrates Act of 1988, in the case of a full-time bankruptcy judge or ...magistrate in active service on that date, (vi) the date of the enactment of the Federal Courts Study Committee Implementation Act of 1990, in the case of a full-time judge of the Claims Court in active service on that date, or (vii) the date of the enactment of the Federal Courts Administration Act of 1992"

"(b)(1) Every judicial official who files a written notification of his or her intention to come within the purview of this section, in accordance with paragraph (1) of subsection (a) of this section, shall be deemed thereby to consent and agree to having deducted and withheld from his or her salary, a sum equal to 2.2 percent of that salary, and a sum equal to 3.5 percent of his or her retirement salary.

(B)(2) A judicial official who is not entitled to receive an immediate retirement salary upon leaving office but who is eligible to receive a deferred retirement salary on a later date shall file...a written notification of his or her intention to remain within the purview of this section. . . .Every judicial official who files a written notification...shall be deemed to consent to contribute, during the period before such a judicial official begins to receive his or her retirement salary, a sum equal to 3.5 percent of the deferred retirement salary which that judicial official is entitled to receive.

"(c)(1) There shall also be deposited to the credit of the Judicial Survivors' Annuities Fund, in accordance with such procedures as the Comptroller General of the United States may prescribe, amounts required to reduce to zero the unfunded liability of the Judicial Survivors' Annuities Fund: *Provided*, That such amounts shall not exceed the equivalent of 9 percent of salary or retirement salary. Such deposits shall, subject to appropriations Acts, be taken from the fund used to pay the compensation of the judicial official, and shall immediately become an integrated part of the Judicial Survivors' Annuities Fund for any use required under this section.

"(2) For purposes of paragraph (1), the term 'unfunded liability' means the estimated excess, determined on an annual basis in accordance with the provisions of section 9503 of title 31, United States Code, of the present value of all benefits payable from the Judicial Survivors' Annuities Fund, over the sum of-

(A) the present value of deductions to be withheld from the future basic pay of judicial officials; plus

(B) the balance in the Fund as of the date the unfunded liability is determined.

In making any determination under this paragraph, the Comptroller General shall use the applicable information contained in the reports filed pursuant to section 9503 of title 31, United States Code, with respect to the judicial survivors' annuities plan established by this section.

"(3) There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

"(d) Each judicial official shall deposit, with interest at 4 percent per annum to December 31, 1947, and at 3 percent per annum thereafter, compounded on December 31 of each year, to the credit of the 'Judicial Survivors' Annuities Fund':

(1) a sum equal to 3.5 percent of that salary, including 'retirement salary', which he or she has received for serving in any of the offices designated in paragraph (1) of subsection (a) of this section prior to the date upon which he or she filed notice of intention to come within the purview of this section with the Director. . . ."

"(g) If any judicial official leaves office and is ineligible to receive a retirement salary but fails to make an election under subsection (b)(2) of this section, all amounts credited to his or her account established under subsection (e), together with interest at 4 percent per annum to December 31, 1947; and at 3 percent per annum thereafter, compounded on December 31 of each year, to the date of his or her relinquishment of office, minus a sum equal to 2.2 percent of salary for service while deductions were withheld under subsection (b) or for which a deposit was made by the judicial official under subsection (d), shall be returned to that judicial official in a lump-sum payment within a reasonable period of time following the date of his or her relinquishment of office . . ."

"(h) Annuities payable under this section shall be paid only in accordance with the following provisions:

(1) In any case in which a judicial official dies while in office while receiving retirement salary, or after filing an election and otherwise complying with the conditions under subsection (b)(2) of this section (A) after having completed at least eighteen months of creditable civilian service, as computed in accordance with subsection (k) of this section, . . . having actually been made -

i) if such judicial official is survived by a widow or widower, but not by a child, there shall be paid to such widow or widower an annuity, beginning on the day on which such judicial official died, in an amount computed as provided in subsection (l) of this section; or

ii) if such judicial official is survived by a widow or widower and a child or children, there shall be paid to such widow or widower an annuity beginning on the day on which such judicial official died in an amount computed as provided in subsection (l) of this section, and there shall also be paid to or on behalf of each such child an immediate annuity equal to:

(I) 10 percent of the average annual salary determined under subsection (l)(1) of this section; or

(II) 20 percent of such average annual salary, divided by the number of children; whichever is smallest; or

(iii) if such judicial official leaves no surviving widow or widower, but does leave a surviving child or children, there shall be paid to or on behalf of each such child an immediate annuity equal to:

(I) the amount of the annuity to which the judicial official's widow or widower would have been entitled under clause (i) of this paragraph, had such widow or widower survived the judicial official, divided by the number of children; or

(II) 20 percent of the average annual salary determined under subsection (l)(1) of this section; or

(III) 40 percent of such average annual salary amount, divided by the number of children; whichever is smallest.

"(2) An annuity payable to a widow or widower under clause (i) or (ii) of paragraph (1) of this subsection shall be terminated upon his or her death or remarriage before attaining age 55.

"(3) An annuity payable to a child under this subsection shall terminate:

(A) if such child is receiving an annuity based upon his or her status under paragraph (5)(A) of subsection (a) of this section, on the last day of the month during which he or she becomes eighteen years of age;

(B) if such child is receiving an annuity based upon his or her status under paragraph (5)(B) of subsection (a) of this section, either (i) on the first day of July immediately following his or her twenty-second birthday or (ii) on the last day of the month during which he or she ceases to be a full-time student in accordance with paragraph (5)(B) of subsection (a) of this section, whichever occurs first: *Provided*, That if such child is rendered incapable of self-support because of a mental or physical disability incurred while receiving that annuity, that annuity shall not terminate, but shall continue without interruption and shall be deemed to have become, as of the date of disability, an annuity based upon his or her status under clause (ii) of paragraph (5)(C) of subsection (a) of this section;

"(k) The years of service rendered by a judicial official which may be creditable in calculating the amount of an annuity for such judicial official's widow or widower under subsection (l) of this section shall include -

(1) those years during which such judicial official served in any of the offices designated in paragraph (1) of subsection (a) of this section, including in the case of a Justice or judge ...those years during which he or she continued to hold office following retirement from regular active service under section 371 or subsection (a) of section 372 of this title;

(2) those years during which such judicial official served as a Senator, Representative, Delegate, or Resident Commissioner in Congress, prior to assuming the responsibilities of any of the offices designated in paragraph (1) of subsection (a) of this section;

(3) those years during which such judicial official honorably served on active duty in the Army, Navy, Air Force, Marine Corps, or Coast Guard ..., prior to assuming the responsibilities of any of the offices designated in paragraph (1) of subsection (a) of this section: *Provided*, That those years of such military service for which credit has been allowed for the purposes of retirement or retired pay under any other provision of law shall not be included as allowable years of such service under this section;

(4) those years during which such judicial official served as an 'employee', as that term is defined in subsection (1) of section 8331 of title 5, prior to assuming the responsibilities of any of the offices designated in paragraph (1) of subsection (a) of this section, and

(5) those years during which such judicial official had deductions withheld from his or her retirement salary in accordance with subsection (b) (1) or (2) of this section."

"(m) Each time that an increase is made under section 8340(b) of title 5 in annuities paid under subchapter III of chapter 83 of such title, each annuity payable from the Judicial Survivors' Annuities Fund shall be increased at the same time by the same percentage by which annuities are increased under that section."

"(r) Nothing contained in this section shall be interpreted to prevent a widow or widower eligible for an annuity under this section from simultaneously receiving such an annuity while also receiving any other annuity to which such widow or widower may also be entitled under any other law without regard to this section: *Provided*, That service used in the computation of the annuity conferred by this section shall not also be credited in computing any such other annuity."

Sec. 3(a). Public Law 96-504, December 5, 1980, 94 Stat 2741 "As of the first pay period beginning after the effective date of this Act, a surviving spouse other than a surviving spouse who has remarried, of any Justice...(as defined...[28 U.S.C. 451]. . . who died before October 19, 1976 shall be paid an annuity in accordance with the provisions. . . [28 U.S.C. 376]. . . at a rate of \$20,000 per year as if such Justice had elected to come within the provisions of, and having made the full deposit required [28 U.S.C. 376(d)]"

"3(b) Notwithstanding the provisions. . . [28 U.S.C. 376 (h)]. . . such annuity shall be payable as provided. . . [28 U.S.C. 376 (m)]. . . until the date of the death of any such spouse."

Claims Court Judges Retirement Fund

28 U.S.C. 178(a) "A judge of the ... Claims Court who retires from office after attaining the age and meeting the service requirements, whether continuously or otherwise, of this subsection shall, subject to subsection (f), be entitled to receive during the remainder of the judge's lifetime, an annuity equal to the salary payable to Claims Court judges in regular active service. The age and service requirements for retirement under the subsection are as follows:

<u>Attained Age</u>	<u>Years of Service</u>
65.....	15
66.....	14
67.....	13
68.....	12
69.....	11
70.....	10

"(b) A judge of the Claims Court who is not reappointed following the expiration of the term of office of such judge, and who retires upon the completion of such term shall, subject to subsection (f) be entitled to receive, during the remainder of such judge's lifetime, an annuity equal to the salary payable to Claims Court judges in regular active service, if -

(1) such judge has served at least 1 full term as judge of the Claims Court, and

(2) not earlier than 9 months before the date on which the term of office of such judge expired, and not later than 6 months before such date, such judge advised the President in writing that such judge was willing to accept reappointment as a judge of the Claims Court.

"(c) A judge of the Claims Court who has served at least 5 years, whether continuously or otherwise, as such a judge, and who retires or is removed from office upon the sole ground of mental or physical disability shall, subject to subsection (f), be entitled to receive, during the remainder of the judge's lifetime -

(1) an annuity equal to 50 percent of the salary payable to Claims Court judges in regular active service, if before retirement such judge served less than 10 years, or

(2) an annuity equal to the salary payable to Claims Court judges in regular active service, if before retirement such judge served at least 10 years."

"(f)(1) A judge shall be entitled to an annuity under this section if the judge elects an annuity under this section by notifying the Director ...in writing. Such an election -

(A) may be made only while an individual is a judge of the Claims Court (except in the case of an individual who fails to be reappointed as judge at the expiration of a term of office, such election may be made at any time before the day after the day on which his or her successor takes office); and

(B) once made, shall, subject to subsection (k), be irrevocable.

"(2) A judge who elects to receive an annuity under this section shall not be entitled to receive -

(A) any annuity to which such judge would otherwise have been entitled under subchapter III of chapter 83, or under chapter 84, of title 5, for service performed as a judge or otherwise;

(B) an annuity or salary in senior status or retirement under section 371 or 372 of this title;

(C) retired pay under section 7447 of the Internal Revenue Code of 1986; or

(D) retired pay under section 4096 of title 38".

"(g) For purposes of calculating the years of service of an individual under subsections (a) and (c), only those years of service as a judge of the Claims Court or a commissioner of the ...Court of Claims shall be credited, and that portion of the aggregate number of years of such service that is a fractional part of 1 year shall not be credited if it is less than 6 months, and shall be credited if it is 6 months or more."

"(j)(1) Subject to paragraph (2), any judge of the Claims Court who retires under this section and who thereafter in the practice of law represents (or supervises or directs the representation of) a client in making any civil claim against the United States or any agency thereof shall forfeit all rights to an annuity under this section for all periods beginning on or after the first day on which he so practices law. . . ."

"(l)(1) There is established in the Treasury a fund which shall be known as the 'Claims Court Judges Retirement Fund'. The Fund is appropriated for the payment of annuities and other payments under this section.

"(2) The Secretary of the Treasury shall invest, in interest bearing securities of the United States, such currently available portions of the Claims Court Judges Retirement Fund as are not immediately required for payments from the Fund. The income derived from these investments constitutes a part of the Fund.

"(3)(A) There are authorized to be appropriated to the Claims Court Judges Retirement Fund amounts required to reduce to zero the unfunded liability of the Fund.

"(B) For purposes of subparagraph (A), the term 'unfunded liability' means the estimated excess, determined on an annual basis in accordance with the provisions of section 9503 of title 31, of the present value of all benefits payable from the Claims Court Judges Retirement Fund, over the balance in the Fund as of the date the unfunded liability is determined. . . .

"(C) There are authorized to be appropriated such sums as may be necessary to carry out this paragraph."

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

SECTION M

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

Fiscal Year 1992 Appropriation Language:

For salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$ _____, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

Other Legal Citations:

28 U.S.C. 991(a) Establishment and Purposes. "There is established as an independent commission in the judicial branch ... a United States Sentencing Commission which shall consist of seven voting members and one non-voting member. The President, after consultation with representatives of judges, prosecuting attorneys, defense attorneys, law enforcement officials, senior citizens, victims of crime, and others interested in the criminal justice process, shall appoint the voting members of the Commission, by and with the advice and consent of the Senate, one of whom shall be appointed, by and with the advice and consent of the Senate, as the Chairman. At least three of the members shall be Federal judges selected after considering a list of six judges recommended to the President by the Judicial Conference ... Not more than four of the members of the Commission shall be members of the same political party. The Attorney General, or his designee, shall be an ex officio, nonvoting member of the Commission. The Chairman and members of the Commission shall be subject to removal from the Commission by the President only for neglect of duty or malfeasance in office or for other good cause shown."

"(b)(1) The purposes of the ... Sentencing Commission are to establish sentencing policies and practices for the Federal criminal justice system that--"

"(A) assure the meeting of the purposes of sentencing ... [18 U.S.C. 3553(a)(2)] ... "

"(B) provide certainty and fairness in meeting the purposes of sentencing, avoiding unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar criminal conduct while maintaining sufficient flexibility to permit individualized sentences when warranted by mitigating or aggravating factors not taken into account in the establishment of general sentencing practices;" and

"(C) reflect, to the extent practicable, advancement in knowledge of human behavior as it relates to the criminal justice process;" and

"(2) develop means of measuring the degree to which the sentencing, penal, and correctional practices are effective in meeting the purposes of sentencing ... [18 U.S.C. 3553(a)(2)] ... "

28 U.S.C. 992(a) Terms of Office: compensation. "The voting members' of the ... Sentencing Commission shall be appointed for six-year terms, except that the initial terms of the first members of the Commission shall be staggered so that-

- (1) two members, including the Chairman, serve terms of six years;
- (2) three members serve terms of four years, and
- (3) two members serve terms of two years."

"(b)(1) Subject to paragraph (2)--

"(A) no voting member of the Commission may serve more than two full terms; and"

"(B) a voting member appointed to fill a vacancy that occurs before the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of such term."

"(2) A voting member of the Commission whose term has expired may continue to serve until the earlier of--"

"(A) the date on which a successor has taken office; or"

"(B) the date on which the Congress adjourns sine die to end the session of Congress that commences after the date on which the member's term expired."

"(c) The Chairman of the Commission shall hold a full-time position and shall be compensated during the term of office at the annual rate at which judges of the ... courts of appeals are compensated. The voting members of the Commission, other than the Chairman, shall hold full-time positions until the end of the first six years after the sentencing guidelines go into effect pursuant to section 235(a)(1)(B)(ii) of the Sentencing Reform Act of 1984, and shall be compensated at the annual rate at which judges of the ... courts of appeals are compensated. Thereafter, the voting members of the Commission, other than the Chairman, shall hold part-time positions and shall be paid at the daily rate at which judges of the ... courts of appeals are compensated. A ... judge may serve as a member of the Commission without resigning his appointment as a ... judge."

"(d) Sections 44(c) and 134(b) of this title (relating to the residence of judges) do not apply to any judge holding a full-time position on the Commission under subsection (c) of this section."

28 U.S.C. 993(a) Powers and Duties of the Chairman. "The Chairman shall call and preside at meetings of the Commission which shall be held for at least two weeks in each quarter after the members of the Commission hold part-time positions;" and

"(b) direct- (1) the preparation of requests for appropriations for the Commission; and "(2) the use of funds made available to the Commission."

28 U.S.C. 994(a) Commission Duties. "The Commission, by affirmative vote of at least four members of the Commission, and pursuant to its rules and regulations and consistent with all pertinent provisions of this title and ... [18 U.S.C.] ... shall promulgate and distribute to all courts ... and to the ... Probation System--"

"(1) guidelines, as described in this section, for use of a sentencing court in determining the sentence to be imposed in a criminal case, including ... "

"(2) general policy statements regarding application of the guidelines or any other aspect of sentencing or sentence implementation that in the view of the Commission would further the purposes ... [18 U.S.C. 3553(a)(2)] ... "

(g) "The Commission, in promulgating guidelines pursuant to subsection (a)(1) to meet the purposes of sentencing ... [18 U.S.C. 3553(a)(2)] ... shall take into account the nature and capacity of the penal, correctional, and other facilities and services available, and shall make recommendations concerning any change or expansion in the nature or capacity of such facilities and services that might become necessary as a result of the guidelines promulgated pursuant to the provisions of this chapter. The sentencing guidelines prescribed under this chapter shall be formulated to minimize the likelihood that the ... prison population will exceed the capacity of the ... prisons, as determined by the Commission."

"(m) The Commission shall insure that the guidelines reflect the fact that, in many cases, current sentences do not accurately reflect the seriousness of the offense. This will require that, as a starting point in its development of the initial sets of guidelines for particular categories of cases, the Commission ascertain the average sentences imposed in such categories of cases prior to the creation of the Commission, and in cases involving sentences to terms of imprisonment, the length of such terms actually served. The Commission shall not be bound by such average sentences, and shall independently develop a sentencing range that is consistent with the purposes of sentencing ... [18 U.S.C. 3553(a)(2)] ... "

"(o) The Commission periodically shall review and revise, in consideration of comments and data coming to its attention, the guidelines promulgated pursuant to the provisions of this section. In fulfilling its duties and in exercising its powers, the Commission shall consult with authorities on, and individual and institutional representatives of, various aspects of the ... criminal justice system. The ... Probation System, the Bureau of Prisons, the Judicial Conference ... the Criminal Division of the ... Department of Justice, and a representative of the Federal Public defenders shall submit to the Commission any observations, comments, or questions pertinent to the work of the Commission whenever they believe such communication would be useful, and shall, at least annually, submit to the Commission a written report commenting on the operation of the Commission's guidelines, suggesting changes in the guidelines that appear to be warranted, and otherwise assessing the Commission's work."

"(p) The Commission, at or after the beginning of a regular session of Congress, but not later than the first day of May, may promulgate under subsection (a) of this section and submit to Congress amendments to the guidelines and modifications to previously submitted amendments that have not taken effect, including modifications to the effective dates of such amendments. Such an amendment or modification shall be accompanied by a statement of the reasons therefor and shall take effect on a date specified by the Commission, which shall be no earlier than 180 days after being so submitted and no later than the first day of November of the calendar year in which the amendment or modification is submitted, except to the extent the effective date is revised or the amendment is otherwise modified or disapproved by Act of Congress."

"(q) The Commission and the Bureau of Prisons shall submit to Congress an analysis and recommendations concerning maximum utilization of resources to deal effectively with the ... prison population. Such report shall be based upon consideration of a variety of alternatives, including--

- (1) modernization of existing facilities;
- (2) inmate classification and periodic review of such classification for use in placing inmates in the least restrictive facility necessary to ensure adequate security; and
- (3) use of existing Federal facilities, such as those currently within military jurisdiction."

"(r) The Commission, not later than two years after the initial set of sentencing guidelines promulgated under subsection (a) goes into effect, and thereafter whenever it finds it advisable, shall recommend to the Congress that it raise or lower the grades, or otherwise modify the maximum penalties, of those offenses for which such an adjustment appears appropriate."

"(s) The Commission shall give due consideration to any petition filed by a defendant requesting modification of the guidelines utilized in the sentencing of such defendant, on the basis of changed circumstances unrelated to the defendant, including changes in--

- (1) the community view of the gravity of the offense;
- (2) the public concern generated by the offense; and
- (3) the deterrent effect particular sentences may have on the commission of the offense by others."

"(w) The appropriate judge or officer shall submit to the Commission in connection with each sentence imposed (other than a sentence imposed for a petty offense, as defined in title 18, for which there is no applicable sentencing guideline) a written report of the sentence, the offense for which it is imposed, the age, race, and sex of the offender, information regarding factors made relevant by the guidelines, and such other information as the Commission finds appropriate. The Commission shall submit to Congress at least annually an analysis of these reports and any recommendations for legislation that the Commission concludes is warranted by that analysis."

"(x) The provisions ... [5 U.S.C. 553] ... relating to publication in the Federal Register and public hearing procedure, shall apply to the promulgation of guidelines pursuant to this section."

18 U.S.C. 3553(c) Statement of reasons for imposing a sentence. The court, at the time of sentencing, shall state in open court the reasons for its imposition of the particular sentence, and, if the sentence --

(1) is of the kind, and within the range, described in subsection (a)(4), and that range exceeds 24 months, the reason for imposing sentence at a particular point within the range; or

(2) is not of the kind, or is outside the range, described in subsection (a)(4), the specific reason for the imposition of a sentence different from that described.

If the court does not order restitution, or orders only partial restitution, the court shall include in the statement the reason therefor. The court shall provide a transcription or other appropriate public record of the court's statement of reasons to the Probation System, and, if the sentence includes a term of imprisonment, to the Bureau of Prisons.

28 U.S.C. 995(a) Commission Powers. "The Commission, by vote of a majority of the members present and voting, shall have the power to--"

"(1) establish general policies and promulgate such rules and regulations for the Commission as are necessary to carry out the purposes of this chapter;"

"(2) appoint and fix the salary and duties of the Staff Director of the Sentencing Commission, who shall serve at the discretion of the Commission and who shall be compensated at a rate not to exceed the highest rate now or hereafter prescribed for level 6 of the Senior Executive Service Schedule (5 U.S.C. 5382);"

"(3) deny, revise, or ratify any request for any regular, supplemental, or deficiency appropriations prior to any submission of such request to the ... OMB ... by the Chairman;"

"(4) procure from the Commission temporary and intermittent services to the same extent as is authorized ... [5 U.S.C. 3109(b)] ... "

"(5) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

"(6) without regard to 31 U.S.C. 3324, enter into and perform such contracts, leases, cooperative agreements, and other transactions as may be necessary in the conduct of the functions of the Commission, with any public agency, or with any person, firm, association, corporation, educational institution, or non-profit organization;"

"(7) accept and employ, in carrying out the provisions of this title, voluntary and uncompensated services, notwithstanding the provisions of 31 U.S.C. 1342, however, individuals providing such services shall not be considered ... employees except for purposes ... [5 U.S.C. 81] ... with respect to job-incurred disability and ... [28 U.S.C.] ... with respect to tort claims;"

"(8) request such information, data, and reports from any ... agency or judicial officer as the Commission may from time to time require and as may be produced consistent with other law;"

"(9) monitor the performance of probation officers with regard to sentencing recommendations, including application of the Sentencing Commission guidelines and policy statements;"

"(10) issue instructions to probation officers concerning the application of Commission guidelines and policy statements;"

"(11) arrange with the head of any other ... agency for the performance by such agency of any function of the Commission, with or without reimbursement;"

"(12) establish a research and development program within the Commission for the purpose of--

(A) serving as a clearinghouse and information center for the collection, preparation, and dissemination of information on Federal sentencing practices; and

(B) assisting and serving in a consulting capacity to ... courts, departments, and agencies in the development, maintenance, and coordination of sound sentencing practices;"

"(13) collect systematically the data obtained from studies, research, and the empirical experience of public and private agencies concerning the sentencing process;"

"(14) publish data concerning the sentencing process;"

"(15) collect systematically and disseminate information concerning sentences actually imposed, and the relationship of such sentences to the factors set forth ... [18 U.S.C.3553(a)] ... "

"(16) collect systematically and disseminate information regarding effectiveness of sentences imposed;"

"(17) devise and conduct, in various geographical locations, seminars and workshops providing continuing studies for persons engaged in the sentencing field;"

"(18) devise and conduct periodic training programs of instruction in sentencing techniques for judicial and probation personnel and other persons connected with the sentencing process;"

"(19) study the feasibility of developing guidelines for the disposition of juvenile delinquents;"

"(20) make recommendations to Congress concerning modification or enactment of statutes relating to sentencing, penal, and correctional matters that the Commission finds to be necessary and advisable to carry out an effective, humane and rational sentencing policy;"

"(21) hold hearings and call witnesses that might assist the Commission in the exercise of its powers or duties;"

"(22) perform such other functions as are required to permit ... courts to meet their responsibilities ... [18 U.S.C. 3553(a)] ... and to permit others involved in the Federal criminal justice system to meet their related responsibilities; and"

"(23) retain private attorneys to provide legal advice to the Commission in the conduct of its work, or to appear for or represent the Commission in any case in which the Commission is authorized by law to represent itself, or in which the Commission is representing itself with the consent of the Department of Justice; and the Commission may in its discretion pay reasonable attorney's fees to private attorneys employed by it out of its appropriated funds. When serving as officers or employees of the United States, such private attorneys shall be considered special government employees ... [18 U.S.C. 202(a)] ... and"

"(24) grant incentive awards to its employees ... [5 U.S.C. 45] ... "

"(b) The Commission shall have such other powers and duties and shall perform such other functions as may be necessary to carry out the purposes of this chapter, and may delegate to any member or designated person such powers as may be appropriate other than the power to establish general policy statements and guidelines pursuant to section 994(a)(1) and (2), the issuance of general policies and promulgation of rules and regulations pursuant to subsection (a)(1) of this section, and the decisions as to the factors to be considered in establishment of categories of offenses and offenders pursuant to section 994(b). The Commission shall, with respect to its activities under subsections (a)(9), (a)(10), (a)(11), (a)(12), (a)(13), (a)(14), (a)(15), (a)(16), (a)(17), and (a)(18), to the extent practicable, utilize existing resources of the ... AO ... and the ... FJC ... for the purpose of avoiding unnecessary duplication."

"(c) Upon the request of the Commission, each ... agency is authorized and directed to make its services, equipment, personnel, facilities, and information available to the greatest practicable extent to the Commission in the execution of its functions."

"(d) A simple majority of the membership then serving shall constitute a quorum for the conduct of business. Other than for the promulgation of guidelines and policy statements pursuant to section 994, the Commission may exercise its powers and fulfill its duties by the vote of a simple majority of the members present."

"(e) Except as otherwise provided by law, the Commission shall maintain and make available for public inspection a record of the final vote of each member on any action taken by it."

28 U.S.C. 996 (a) Director and Staff. "The Staff Director shall supervise the activities of persons employed by the Commission and perform other duties assigned to him by the Commission."

"(b) The Staff Director shall, subject to the approval of the Commission, appoint such officers and employees as are necessary in the execution of the functions of the Commission. The officers and employees of the Commission shall be exempt from the provisions ... [5 U.S.C. part III] ... except the following chapters: 45 (Incentive Awards), 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), 89 (Health Insurance), and 91 (Conflicts of Interest)."

28 U.S.C. 997 Annual Report. "The Commission shall report annually to the Judicial Conference ... the Congress, and the President ... on the activities of the Commission."

Section 235(a)(1). Comprehensive Crime Control Act as amended by P.L. 99-217, Sentencing Reform Amendments Act of 1985, and P.L. 100-182, Sentencing Act of 1987. "This chapter shall take effect on the first day of the first calendar month beginning 36 months after the date of enactment and shall apply only to offenses committed after the taking effect of this chapter, except that--"

"(A) the repeal of ... [18 U.S.C.402] ... shall take effect on the date of enactment;"

"(B)(i) ... [28 U.S.C. 58] ... shall take effect on the date of enactment of this Act or October 1, 1983, whichever occurs later, and the ... Sentencing Commission shall submit the initial

sentencing guidelines promulgated under ... [28 U.S.C. 994(a)(1)] ... to the Congress within 30 months of the effective date of such chapter 58; and (ii) the sentencing guidelines promulgated pursuant to section 994(a)(1) shall not go into effect until--

(I) the ... Sentencing Commission has submitted the initial set of sentencing guidelines to the Congress pursuant to subparagraph (B)(i), along with a report stating the reasons for the Commission's recommendations;

(II) the ... GAO ... has undertaken a study of the guidelines, and their potential impact in comparison with the operation of the existing sentence and parole release system, and has, within one hundred and fifty days of submission of the guidelines, reported to the Congress the results of its study; and

"(III) the day after the Congress has had six months after the date described in subclause (I) in which to examine the guidelines and consider the reports; and (IV) section 212(a)(2) [enacting chapter 227, 'Sentences', comprised of sections 3551 to 3559, 3561 to 3566, 3571 to 3574, and 3581 to 3586; and chapter 229, 'Postsentence administration', comprised of sections 3601 to 3607, 3611 to 3615, and 3621 to 3625 of this title; and repealing former chapter 227, 'Sentence, judgment, and execution', comprised of sections 3561 to 3580; former chapter 229, 'Fines, penalties and forfeitures', comprised of sections 3611 to 3620; and former chapter 231, 'Probation, comprised of sections 3651 to 3656 of this title] takes effect, in the case of the initial sentencing guidelines so promulgated."

"(2) For the purposes ... [28 U.S.C. 992(a)] ... the terms of the first members of the ... Sentencing Commission shall not begin to run until the sentencing guidelines go into effect pursuant to paragraph (1)(B)(ii)."

"(b)(5) Notwithstanding the provisions ... [28 U.S.C. 991] ... and 18 U.S.C. 4351 and 5002, the Chairman of the ... Parole Commission or his designee shall be a member of the National Institute of Corrections, and the Chairman of the ... Parole Commission shall be a member of the Advisory Corrections Council and a nonvoting member of the ... Sentencing Commission, ex officio, until the expiration of the five-year period following the effective date of this Act. Notwithstanding the provisions of 18 U.S.C. 4351 during the five period the National Institute of Corrections shall have 17 members, including seven ex-officio members. Notwithstanding the Provisions ... [28 U.S.C. 991] ... during the five-year period the ... Sentencing Commission shall consist of nine members, including two ex-officio, nonvoting members."

Section 236 "(a)(1) Four years after the sentencing guidelines promulgated pursuant to section 994(a)(1), and the provisions ... [18 U.S.C. 3581, 3583, and 3624] ... go into effect, the ... GAO ... shall undertake a study of the guidelines in order to determine their impact and compare the guidelines system with the operation of the previous sentencing and parole release system, and, within six months of the undertaking of such study, report to the Congress the results of its study."

"(2) Within one month of the start of the study required under subsection (a), the ... Sentencing Commission shall submit a report to the ... GAO ... all appropriate courts, the Department of Justice, and the Congress detailing the problems with the system or reforms needed. The report shall include an evaluation of the impact of the sentencing guidelines on

prosecutorial discretion, plea bargaining, disparities in sentencing, and the use of incarceration, and shall be issued by affirmative vote of a majority of the voting members of the Commission."

"(b) The Congress shall review the study submitted pursuant to subsection (a) in order to determine--

- (1) whether the sentencing guideline system has been effective;
- (2) whether any changes should be made in the sentencing guideline system; and
- (3) whether the parole system should be reinstated in some form and the life of the Parole Commission extended."

2 U.S.C. 905(g) See reference page A-1.

Public Law 99-335. See reference on page A-5.

Omnibus Anti-Drug Abuse Act of 1988, P.L. 100-690

Section 6453 Penalties for Importation of Aircraft and Other Vessels (a) In General.

Pursuant to its authority under 28 U.S.C. 994(p), and section 21 of the Sentencing Act of 1987, the ... Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide that defendant convicted of violating section 1010(a) of 21 U.S.C. 960(a) under circumstances in which --

(1) an aircraft other than a regularly scheduled commercial air carrier was used to import the controlled substance; or

(2) the defendant acted as a pilot, copilot, captain, navigator, flight officer, or any other operation officer aboard any craft or vessel carrying a controlled substance, shall be assigned an offense level under chapter 2 of the sentencing guidelines that is --

(A) two levels greater than the level that would have been assigned had the offense been committed under circumstances set forth in (A) or (B) above; and

(B) in no event less than level 26.

(b) Effect of Amendment -- If the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission shall implement the instruction set forth in subsection (a) so as to achieve a comparable result.

Section 6454 Enhanced Penalties for Offenses Involving Children. (a) In General. Pursuant to its authority under 28 U.S.C. 994(p), and section 21 of the Sentencing Act of 1987, the ... Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide that a defendant convicted of violating 28 U.S.C. 845, 845a or 845b involving a person under 18 years of age shall be assigned an offense level under chapter 2 of the sentencing guidelines that is --

(1) two levels greater than the level that would have been assigned for the underlying controlled substance offense; and

(2) in no event less than level 26.

(b) **Effects of Amendment.** If the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission shall implement the instruction set forth in subsection (a) so as to achieve a comparable result.

(c) **Multiple Enhancements.** The guidelines referred to in subsection (a), as promulgated or amended under such subsection, shall provide that an offense that could be subject to multiple enhancements pursuant to such subsection is subject to not more than one enhancement.

Section 6468 Drug Offenses Within Federal Prisons. (a) Twenty Year Maximum Penalty. 18 U.S.C. 1791(b) is amended.

(1) by redesignating paragraphs (1) through (4) as (2) through (5) respectively; (2) by inserting before paragraph (2), as so redesignated, the following new paragraph (1):

"(1) imprisonment for not more than 20 years, or both, if the object is specified in subsection (d)(1)(C) of this section;" and

(3) in paragraph (3), as so redesignated, by striking "or (c)(1)(C)".

(b) **Consecutive Sentences.** 18 U.S.C. 1791 is further amended --

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

(c) Any punishment imposed under subsection (b) for a violation of this section by an inmate of a prison shall be consecutive to the sentence being served by such inmate at the time the inmate commits such violation."

(c) Pursuant to its authority under 28 U.S.C. 994(p) and section 21 of the Sentencing Act of 1987, the ... Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide that a defendant convicted of violating 18 U.S.C. 1791(a)(1), and punishable under 1791(b)(1) of that title as so redesignated, shall be assigned an offense level under chapter 2 of the sentencing guidelines that is --

(1) two levels greater than the level that would have been assigned had the offense not been committed in prison; and (2) in no event less than level 26.

(d) If the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission shall implement the instruction set forth in subsection (c) so as to achieve a comparable result.

Section 6482 Common Carrier Operation Under the Influence of Alcohol or Drugs. (a) Locomotives -- 18 U.S.C. 341 is amended by adding after "means a" the following: "locomotive, a".

(b) **Maximum Penalty.** 18 U.S.C. 342 is amended by striking "five" and inserting "fifteen".

"(c) Sentencing Guidelines. (1) Pursuant to its authority under 28 U.S.C. 994(p), and section 21 of the Sentencing Act of 1987, the ... Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide that --

(A) a defendant convicted of violating 18 U.S.C. 342, under circumstances in which death results, shall be assigned an offense level under chapter 2 of the sentencing guidelines that is not less than level 26; and

(B) a defendant convicted of violating 18 U.S.C. 342, under circumstances in which serious bodily injury results, shall be assigned an offense level under chapter 2 of the sentencing guidelines that is not less than level 21.

(2) If the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission shall implement the instruction set forth in paragraph (1) so as to achieve a comparable result.

Major Fraud Act of 1988, P.L. 100-700, Section 2, Chapter 47 Amendment. (b) Sentencing Guidelines. Pursuant to its authority under 28 U.S.C. 994(p) and section 21 of the Sentencing Act of 1987, the ... Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide for appropriate penalty enhancements, where conscious or reckless risk of serious personal injury resulting from the fraud has occurred. The Commission shall consider the appropriateness of assigning such a defendant an offense level under Chapter Two of the sentencing guidelines that is at least two levels greater than the level that would have been assigned had conscious or reckless risk of serious personal injury not resulted from the fraud.

Financial Institutions Reform, Recovery, and Enforcement Act of 1989, P.L. 101-73, Sec. 961(m). Sentencing Guidelines. Pursuant to section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines, to provide for a substantial period of incarceration for a violation of, or a conspiracy to violate, sections 215, 656, 657, 1005, 1006, 1007, 1014, 1341, 1343, or 1344 of title 18, United States Code, that substantially jeopardizes the safety and soundness of a federally insured financial institution.

Crime Control Act of 1990, P.L. 101-647, Sec. 321. Sentencing Guidelines. The United States Sentencing Commission shall amend existing guidelines for sentences involving sexual crimes against children, including offenses contained in chapter 109A of title 18, so that more substantial penalties may be imposed if the Commission determines current penalties are inadequate.

Sec. 401. Sentencing Guidelines. The United States Sentencing Commission is directed to amend the existing guidelines for the offense of 'kidnapping, abduction, or unlawful restraint,' by including the following additional specific offense characteristics: If the victim was intentionally maltreated (i.e., denied either food or medical care) to a life-threatening degree, increase by 4 levels; if the victim was sexually exploited (i.e., abused, used voluntarily for pornographic purposes) increase by 3 levels; if the victim was placed in the care or custody of the child either in exchange for money or other consideration, increase by 3 levels; if the defendant allowed the child to be subjected to any of the conduct specified in this section by another person, then increase by 2 levels.

Sec. 1703

(a) **Report.** -- Not less than six months after the date of enactment of this Act, the United States Sentencing Commission shall transmit to the respective Judiciary Committees of the Senate and House of Representatives a report on mandatory minimum sentencing provisions in Federal law.

(b) **Components of Report.** -- The report mandated by subsection (a) shall include:

- (1) a compilation of all mandatory minimum sentencing provisions in Federal law;
- (2) an assessment of the effect of mandatory minimum sentencing provisions on the goal of eliminating unwarranted sentencing disparity;
- (3) a projection of the impact of mandatory minimum sentencing provisions on the Federal prison population;
- (4) an assessment of the compatibility of mandatory minimum sentencing provisions and the sentencing guidelines system established by the Sentencing Reform Act of 1984;
- (5) a description of the interaction between mandatory minimum sentencing provisions and plea agreements;
- (6) a detailed empirical research study of the effect of mandatory minimum penalties in the Federal system;
- (7) a discussion of mechanisms other than mandatory minimum sentencing laws by which Congress can express itself with respect to sentencing policy, such as:
 - (A) specific statutory instructions to the Sentencing Commission;
 - (B) general statutory instructions to the Sentencing Commission;
 - (C) increasing or decreasing the maximum sentence authorized for particular crimes;
 - (D) sense of Congress resolutions; and
- (8) any other information that the Commission would contribute to a thorough assessment of mandatory minimum sentencing provisions.

(c) **Amendment of Report.** -- The Commission may amend or update the report mandated by subsection (a) at any time after its transmittal.

Sec. 2507.

(a) **Increased Penalties.** Pursuant to section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987, the United States Sentencing Commission shall promulgate guidelines, or amend existing guidelines, to provide that a defendant convicted of violating, or conspiring to violate, section 215, 656, 657, 1005, 1006, 1007, 1014, 1032, or 1344 of

title 18, United States Code, or section 1341 or 1343 affecting a financial institution (as defined in section 20 of title 18, United States Code), shall be assigned not less than offense level 24 under chapter 2 of the sentencing guidelines if the defendant derives more than \$1,000,000 in gross receipts from the offense.

(b) If the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission shall implement the instructions set forth in subsection (a) so as to achieve a comparable result.

Sec. 2701. Sentencing Guidelines. The United States Sentencing Commission is instructed to amend the existing guidelines for offenses involving smokable crystal methamphetamine under section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) so that convictions for offenses involving smokable crystal methamphetamine will be assigned an offense level under the guidelines which is two levels above that which would have been assigned to the same offense involving other forms of methamphetamine.

Treasury, Postal Service and General Government Appropriations Act, 1992, P.L. 102-141, Sec. 632 "(1) Pursuant to ... section 994 of title 28, United State Code, the United States Sentencing Commission shall promulgate guidelines, or amend existing ... guidelines as follows:"

"(A) Guideline 2G2.2 to provide for base offense level of not less than 15 and to provide at least a 5 level increase for offenders who have engaged in a pattern of activity involving sexual abuse or exploitation of a minor."

"(B) Guideline 2G2.4 to provide that such guideline shall apply only to ... simple possession of materials ... [involving sexual exploitation of minor] and 2G2.2 to provide that such guideline shall apply to ... conduct involving receipt or trafficking"

"(C) Guideline 2G2.4 to provide base offense level of not less than 13, and to provide at least a 2 level increase for possessing 10 or more ... items containing a visual depiction involving the sexual exploitation of a minor."

"(D) Section 2G3.1 to provide a base offense level of not less than 10."

"(2)(A) ... [T]he Commission shall promulgate the amendments mandated in subsection (1) by November 1, 1991, or 30 days after enactment, whichever is later."

GENERAL PROVISIONS, THE JUDICIARY

SECTION N

GENERAL PROVISIONS - THE JUDICIARY

Sec. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

Sec. 302. Appropriations made in this title shall be available for salaries and expenses of the Temporary Emergency Court of Appeals authorized by Public Law 92-210 and the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93-236.

Section 303. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in title III of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers; Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 606 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Section 304. Pursuant to section 140 of Public Law 97-92, Justices and judges of the United States are authorized during fiscal year 1993, to receive a salary adjustment in accordance with 28 U.S.C. 461.

This title may be cited as "The Judiciary Appropriations Act, 1993".

Economic Stabilization Act Amendments, 1971, Public Law 92-210, Sec. 211(b)(1), 85 Stat. 743, 749(b)(1) "There is hereby created a court of the United States to be known as the Temporary Emergency Court of Appeals, which shall consist of three or more [circuit or district] judges to be designated by the Chief Justice. The Chief Justice ... may, from time to time, designate additional judges ... and revoke previous designations. The chief judge may, from time to time, divide the court into divisions of three or more members, and any such division may render judgment as the judgment of the court. Except as provided in subsection (d)(2) of this section, the court shall not have power to issue any interlocutory decree staying or restraining in whole or in part any provision of this title, or the effectiveness of any regulation or order issued thereunder. In all other respects, the court shall have the powers of a circuit court of appeals with respect to the jurisdiction conferred on it by this title. The court shall exercise its powers and prescribe rules governing its procedure in such manner as to expedite the determination of cases over which it has jurisdiction under this title. The court shall have a seal, hold sessions at such places as it may specify, and appoint a clerk and such other employees as it deems necessary or proper."

45 U.S.C. 719(b) Authority for establishment of Special Court. Special Court is authorized to exercise powers of district judge in any judicial district with respect to certain railroad proceedings brought under the Regional Rail Reorganization Act of 1973.

(h) Authority for Special Court to appoint and fix compensation and assign duties of special masters. Special court may also appoint other employees as may be approved by the Director and may procure necessary administrative services for it or the special masters.

Section 4025(b), Public Law 99-509, 100 Stat. 4630 "Special Court - Any action brought under this part <the Conrail Privatization Act> shall be brought before the special court established under section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719). Such special court may limit the enforcement of a restriction under section 4021, if the effect of such restriction would be to substantially impair the continued viability of the Corporation."

45 U.S.C. 1105(d) Authority to assign additional judges to the Special Court to exercise the original and exclusive jurisdiction under the Northeast Rail Service Act and the Conrail Privatization Act.

END

12-15-94

